

JUDICIAL SYSTEM IN THE SOCIAL TRADITION OF TULUNADU

(From Medieval period to the Colonial Period)

**Thesis submitted to Kannada University, Hampi
for the award of the degree of
DOCTOR OF PHILOSOPHY
in History**

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2016

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AKSHARA GRANTHALAYA



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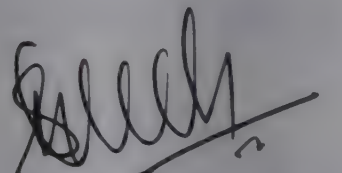
Suresh Rai K.

DECLARATION

I, Suresh Rai. K declare that, this thesis entitled **Judicial System in the Social Tradition of Tulunadu** (From medieval period to the colonial period) is the result of my own study undertaken under the supervision of Dr. Jagadeesh Shetty, Principal and Associate Professor of History, Poornaprajna College, Udupi, and has not previously formed the basis for the award of any other degree or diploma. All such material that are obtained from other sources are duly acknowledged in this thesis.

Place: Udupi

Date: 4.11.2016



(Suresh Rai K.)

Researcher

CERTIFICATE BY THE GUIDE

This is to certify that the subjoining dissertation **The Judicial System in the Social Tradition of Tulunadu** (From medieval period to colonial period) is a bonafide record of genuine research carried out by Sri Suresh Rai K. under my supervision and that it has not, to the best of my knowledge, formed, either in part or in full, the basis of award of any degree or title to him from this or any other institution.

Place: Udupi

Date : 4.11.2016


Dr. B. Jagadeesh Shetty

Principal

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& Guide, Rastrakavi Govinda Pai
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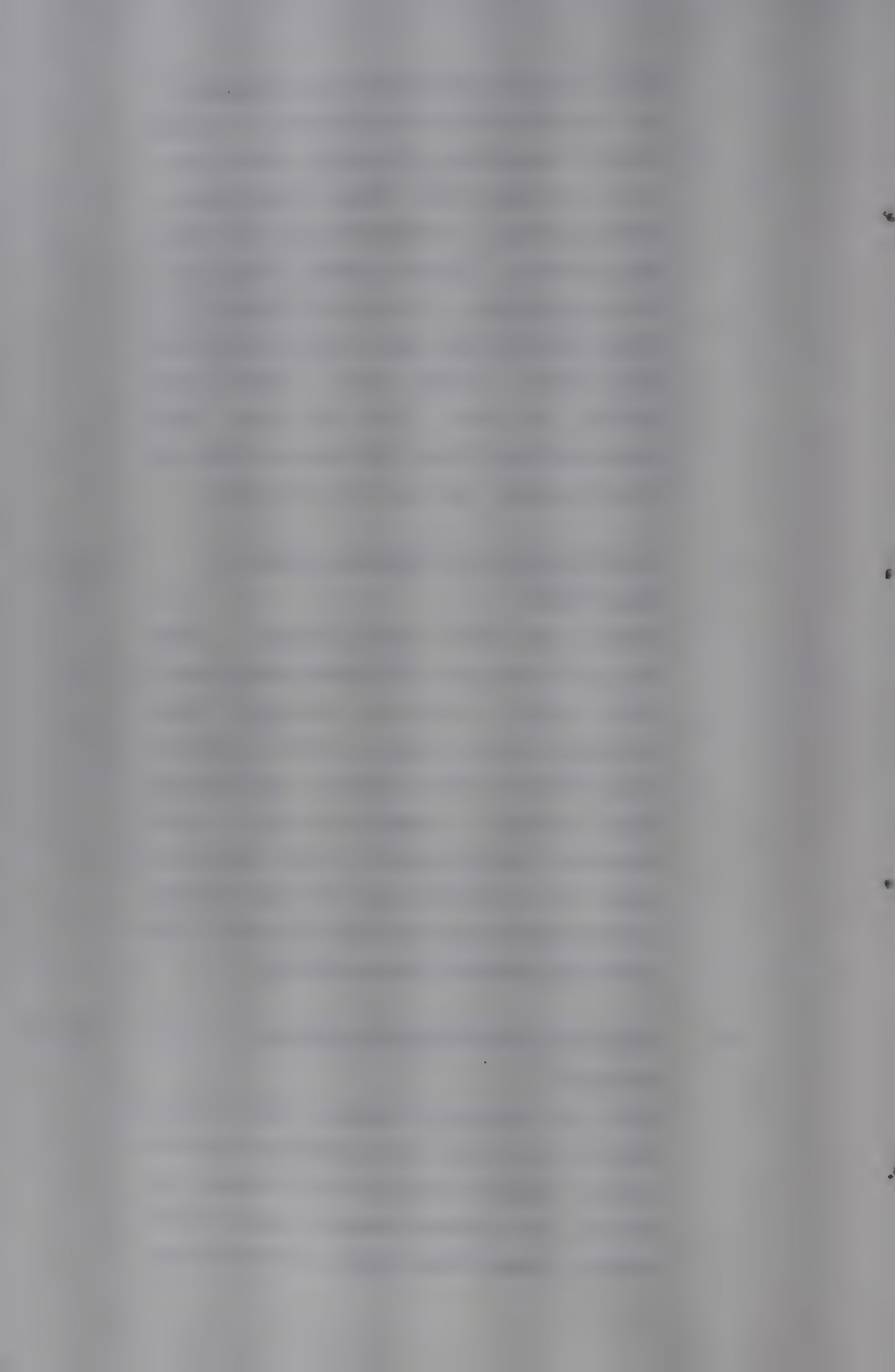
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Chapter 1

Introduction

Introduction

Objectives and importance of the study

The major objective of this study is an attempt to make a comparative study of the structure and functioning of the judicial practices or systems prevalent in the social tradition of Tulunadu from medieval to colonial period. Historically, *Tulunadu* is the undivided district of Dakshina Kannada in Karnataka and Kasaragodu district in Kerala State. The want of a work giving comprehensive information about the judicial matters of Tulunadu has always been a matter of concern. A detailed work embracing information on the judicial system of Tulunadu which is useful to the antiquarian and to the modern readers is a desideratum in Tulunadu. This consideration has induced the present researcher to make an humble attempt to supply the want. So the prime and major objective of this thesis is to analyze the nature of different judicial practices from medieval to colonial period with the backdrop of ancient times. Since this is a socio-cultural study, a multidisciplinary approach is employed in making this thesis. In fact, this thesis is *unique* because a comparative analysis of the judicial practices existed in Tulunadu during the different phases of history taken up for the first time in the historiography of Tulunadu. As a comparative perspective towards the judicial practices of Tulunadu is not adopted in scholarly studies so far, this thesis has particularly embraced comparative method as analytical tool. In otherwords, a comparative analysis of the conception of justice as expressed in inscriptions, in tribal judicial conceptions, in oral narratives and the origin and nature of justice practices during British regime is undertaken in this study. Though judiciary is the prime area of concern in this thesis, contextually society, tradition, religion and cultural aspects given importance to analyse the factors related to judiciary. In that sense it is a comprehensive work on the judiciary of Tulunadu. Further, as mentioned above, the very fact that no research has concentrated exclusively on Tulunadu's judicial practices lends additional prominence to this thesis's focus. That also is the main objective of taking up this subject doctoral study.

Though scholars like B.A.Saletore, K.V.Ramesh, Gururaja Bhat, H.A.Stuart, J. Sturrock have contextually mentioned few details about the judicial practices of Tulunadu but they donot deal exclusively on judicial matters of Tulunadu. So this thesis aims at fulfilling that lacuna of scholarship in the historical writings of Tulunadu. Folk literature

also deals with minor details about the traditional judiciary. Few tribal studies in this area have also contextually dealt with judicial aspects. In the recent past, works of Amrutha Someshwara, Chinnappa Gowda, Ajith Kumar, and N.Jayaraj discussed folk judiciary practice in the theatre of *bhutharadhane*. Using only *paddanas* as sources and discussing only the pre-colonial justice system is also the major limitation of these research works. But this thesis discusses judicial system of Tulunadu on the basis of colonial and pre-colonial sources.

One of the most prominent works on the judicial system of modern Tulunadu is Shyam Bhat's *Southkanara-A Study; Colonial Administration and Regional Response, 1799-1800*. It throws on the administrative, judicial and revenue reforms introduced during the British rule between 1799 and 1860.A.D. It could perhaps be described as the first text, centered on the British judicial system. His another work *Judiciary and Police in Early Colonial South Kanara*, exclusively focused on the justice practices. It provides the details of the British justice and police system from 1799-1862.A.D. These works donot study the modern and traditional judicial practices comparatively and did not employ colonial and tradional sources together. So it is not easy to consider it a comprehensive picture therefore. In this light also the present thesis fulfils this vaccum.

Another important objective of this thesis is to analyse comparatively the nature of the Tuluva society on the basis of epigraphical, oral, and modern European writings. In other words the picture of Tuluva society during the pre-colonial, modern period and in the *paddana* period discussed in this thesis. Understanding the foundations of adjudicative practices has relevance for contemporary period in the lives of members in Tuluva society. So this study intends to focus on many modes in which social and economic jusice was articulated in the medieval or pre-colonial and modern or colonial periods in the history of Tulunadu. For this purpose the understanding of Tuluva society at various level is necessary for the proper execution of the doctoral study.

In order to analyze the judicial system experienced by Tulunadu during the different phases of history the researcher has divided these periods into pre- modern and modern eras. The time period after 1800 AD is considered as 'modern.' It can also divided into pre-colonial and colonial period. Given contemporary social scenario, it is very crucial to carefully analyze the shifts and transitions experienced by Tulunadu in the judicial field, and, to examine the different forms of judicial system adopted in different periods.

Knowing the foundations of traditional heritage and adjudicative practices has relevance for contemporary period in the lives of members in Tuluva society. This thesis intends to study the many modes in which social and economic justice was articulated in the pre-colonial and colonial periods in the history of Tulunadu.

One more important objective of the current study is that, it aims at studying whether the epigraphical, oral and modern writings on Tuluva society reflects similar picture or not. It also tries to understand whether these types of sources has given elevated position to the brahmins and other upper classes or not. By doing so this thesis intends to trace the role of chaturvarna system in the adjudicative practices of Tulunadu. This study also aims at identifying the positive and negative aspects of both traditional and modern judiciary practices.

The current study also scrutinizes if the justice system of medieval period that was based on social set up and conventions was founded on the principles of equitable justice. To mention an example, the episode of Karkala Bhairarasa amputating Kalkuda's limbs is only recorded in oral compositions and in *Kaifiyats*. No inscription or written literature makes a note of this event. What constitutes significant in the above event is that the Bhairarasa, who appears as protagonist in the written records comes out as a villainous character in unwritten sources. Written materials legalize the existing social system, and justify the structural differences like caste and class. On the other hand, folk narratives unravel the struggles within that caste society. The mode it assumes to expose such complexities is also very interesting. This thesis attempts to discuss such factors by analyzing one of the major forms of Tulunadu's folk literature, *paddanas*.

It is important to note here about , if the tradition, religion and fear-ridden judiciary of medieval period endowed the people with a peaceful life. The impact exerted by both *sovereign-centered* justice of medieval period and the modern rule of law on the conceptualization of 'justice' is an important study to undertake. The thesis embarks on unearthing answers for questions like – if both the above systems have remained as parallel to each other? Or, have mutually destroyed? Or, have sustained each other?

The people of Tulunadu, like the rest of Indians, had a historical consciousness, in the sense that they remembered events of the past which were important to them in chronological order, and expressed this consciousness in forms which suited their purpose most. Thus, we have Gramapaddathi, Sahyadrikhanda and so on, presenting a

Brahmanical version and the innumerable paddanas, legends, and other items of folklore presenting the versions of non-Brahmanical groups. Colonial masters rejected both, and produced a different kind of knowledge which suited their purpose. Closely collaborating with this was the knowledge produced by evangelists. These two constituted the grand narrative of Tuluva history.

Howsoever, a society is abundant in resources, it cannot sustain a vigorous identity if all its members are not provided with an impartial judicial system. Enquiring into the injustices and adjudicating a fair verdict is one of the chief responsibilities of every society towards its members. As iniquities, discords, and conflicts are commonly present in any society, it is an important component and onus of social structure to conduct an impartial enquiry and adjudicate justice. Tulunadu is not an exception for this. In this light, a study of the judicial practices prevalent in Tulunadu from medieval to colonial period gains an immense significance.

The concept of 'justice' has had as much antiquity as the beginning of man's social existence in the universe. The victimized, the marginalized and the women, hankering after justice is a common phenomenon across the globe. 'Justice' is a legal, moral term that is always in the news and is always alive. It is not merely to mean a 'right decision,' or related to judicial enquiry alone. Its meaning is as vast in scope as to incorporate political, social, legal and ethical principles. The matter of 'justice' is related to the existence of entire mankind, and therefore, humans should make efforts to realize its tenets with their thought, determination and sense of responsibility. 'Justice' is often understood, in a narrow sense, to mean justice according to law or justice of law. But 'justice' should be used in a wider sense and includes different dimensions like social, economic and political justice.

The concept of 'justice' differs from culture to culture and the concepts of social justice are also varied, equality is integral to most of the theories of 'justice'. Philosophers and activists seeking justice across the world have interpreted it differently. According to world-renowned Greek philosopher Plato, 'justice' is an embodiment of 'goodness.' When a citizen of a society performs his duties with honesty and steadfastness, it amounts to 'justice' in itself. 'Justice' can also be expressed by pronouncing appropriate punishment to the culprits, which could be termed as 'retributive justice.'¹ In Aristotle's conceptualization, 'justice' implied righteous conduct. To state it more precisely,

‘justice’ is a proper utilization of goodness, and rectifying errors in a suitable manner at an appropriate time. Therefore, the concept of ‘justice’ involves the nature of rectifying mistakes and ensuring equal righteousness to all individuals, and lending its overall effects to the society at large.² Aristotle was one of the earliest philosophers to enunciate the principles of *distributive justice* which for him meant the distribution of goods and honours to each according to his place in the community and equal treatment of those equal before law. *Distributive justice* is part of social justice and the distribution of material goods has always been of concern when the concept of social justice was discussed. Most of the theories and opinions around the concept of ‘justice’ are built on the basis of equality. Also most of the analyses about ‘justice’ consider factors of social values and ideals like ability, efficiency, necessity, status, law-abidance, and so on. In the same mode, Greek philosophers conceptualize ‘justice’ in terms of tradition. It implies that ‘justice’ is ‘law’ and ‘conformity with law’ or fairness.³

According to seventeenth century thinkers like John Locke, ‘justice’ is a part of social contract. The primary objective of a government is to protect the property of its citizens, improving judicial administration, and actualizing the contract between the monarch and his citizens.⁴ To continue, Locke views ‘justice’ as confined between emotions, and he discusses about the *Theory of Natural Law*. It proposes that ‘justice’ is natural, and that it involves any system resulting from selection or action.⁵

Nineteenth century thinkers like David Hume and J S Mill opine that the concept of ‘justice’ indicates a prelude to the conflict of interest between individuals. According to them ‘justice’ is different from obedience, generosity and honesty, as it talks about law, yardstick and rights.⁶ Such traditionalists conceive ‘justice’ as a relative concept. This relativity is called as ‘positivism.’ According to David Hume, ‘justice’ is a good quality as it contributes to the society’s well-being. For him in *distributive justice* property and social well being are the subject matters of ‘justice’. Thus, ‘justice’ is conceptualized by the traditionalists in such sociological terms.

Twentieth century British philosopher, G E Moore has equated the concept of ‘justice’ to goodness. However, although the term goodness is meaningful, it lacks objectivity; it is difficult to be defined. Although it has an independent existence, it is not tangible in the physical world, and contains the contextual nature of varying from one person to another.⁷ In the opinion of an American Humanist Edward Allen Kent, ‘justice’ inflames

conflict emerging from the competitive assertion of rights. Thus, the concept of 'justice' talks very little about the individual thought-driven interests of society.⁸

According to British philosopher Bertrand Russell 'good' and 'bad' are two emotions internalized in all individuals, and they are very loose terms. While pointing that both good and bad are related to one's volition, Russell also says that both those terms would be defined depending upon individual preference. In the same light, 'justice' is also subjective, but not objective in nature.⁹ Some other scholars are of the opinion that there is no legal justice but only ethical justice exists and that, even ethical justice is guided by relativity. To put it in general terms, 'justice' is related to ethicality, as, everything ethical is always judicial in nature.

When we discuss the perception of 'justice' we should observe a golden rule. The definitions of 'justice' provided in the religious and moral tracts of ancient period are golden rules. To put it in simple words, such texts claim that as an individual expects no 'injustice' from another individual, so should he abstain from committing 'injustice' against the other. Therefore, even when such golden texts do not discuss in detail all matters related to judiciary, they insist upon the necessity of justice. Different holy texts like *Bible*, *Quran*, *Bhagavadgita*, etc, propose golden rules of justice.

According to the contemporary scholar on political philosophy, John Rawls, the idea of 'fairness' is very crucial for the conception of 'justice.' In his book *A Theory of Justice*,¹⁰ John Rawls highlights that the basic structure of a society is very significant for the concept of 'justice.' Factors like the nature of social institution of a country and their functional efficiency are crucial for the realization of 'justice' in Rawls' opinion. He propounds that a system's organization and internal divisions are very essential in effectively implementing its 'justice'. Therefore, it is necessary to create such institutions under every system, so as to ensure equitable justice to all individuals under that particular system. To sum up, according to Rawls, it is the chief objective of all social institutions to guarantee 'fair justice' to all the people, because 'justice' is 'fairness'.

In his book *The Idea of Justice*¹¹, Amartya Sen doesnot agree with John Rawls' proposition. In fact, Amartya Sen's book is considered as a critique and revision of Rawls' work. According to Sen, it is neither possible to measure the concept of 'justice' in binary terms, nor possible to achieve justice on binary terms. On the contrary, 'justice' should be understood only on the basis of the proportion it offers, and the continuity of

imparting 'justice'. Sen agrees with Rawls' conceptualization of justice as 'fairness'. However, he is skeptical of the possibility of establishing social institutions in order to distribute a 'comprehensive justice'. Even in Sen's opinion, 'justice' is not an objective concept.

However, Indian minds always compare the idea of justice with that of *dharma* at every stage of life. In Indian context, *dharma* is not only confined to the behavioural code for humans. It is an ethical consciousness that controls his entire existence. As an equivalent of 'justice,' *dharma* is also knowledge of being, and a source of truth-seeking. Indian conceptualization of justice has a very unique history to it. Its basis could be located in the religious tracts of Manu, Bruhaspati; in the *smritis* of Narada; and in Kautilya's *Arthashastra*. Analyses of these significant texts indicate at the prevalence of a well-structured judicial system in ancient India. The notion of *dharma* in ancient India could be defined as the sustenance of truth in thoughts, words and deeds of an individual. Therefore, *dharma* appears as a foundation of a good and honest life. In Sanskrit *dharma* also is meant as 'goodness', devotion to duty and justice. It has a much larger scope in meaning than contemporary implications. Both judicial and religious duties are brought under the purview of *dharma*.¹² It lends a philosophical guidance to a person's life. *Vedas*, *Smritis* and *Acharas* were the three major sources of Indian jurisprudence or *dharma*.¹³ Religious tracts are a good example of oral literature. They are written in Sanskrit language, and guide the reader about justice and religious responsibilities. The three important types of religious literature are *achara*, *vyavahara* and *prayaschita*. While *achara* guides about the day-to-day practices of an individual, *vyavahara* informs about law and judicial codes. *Prayaschita* tells about the punishments meted out to those violating the principles of *dharma*.¹⁴

Although there is no direct correlation between such religious tracts and Tulu Nadu, this background is crucial for the social and religious tradition here. The philosophical and social structure of Tuluva society is based on the same ancient Indian religious practices. Even in the context of Tulu Nadu, 'justice' is not limited to the matters of law and administration. It had a very large and sometimes also loose definition, owing to its thousands of year old history. It had its own system of authority based on caste and class groups. To put it in direct words, a feudal power structure based on caste-clan-gender disparity in Indian society always ill-treated those subservient at every level. When we deal with the question of justice in Tulu Nadu, questions of ethicality, social regulations,

confines, personal relationships, religious matters assume great significance. Although there is no direct connection between the judicial system of Tulunadu and above mentioned religious tracts, a unique traditional system always existed in Tulunadu. As a rule, every community possesses customs and practices maintained for generations. By studying such practices we could understand the social behaviour of those communities.

When we discuss about the judicial system in the social tradition of Tulunadu, the word 'tradition' seeks explanation. 'Tradition' is a customary practice that has not transformed while getting transmitted. It is the original form of custom as well. The idea of 'tradition,' at a point, indicates a frozen knowledge. Multiple beliefs evolve in multiple forms about a country's past. Some attain recognition among those beliefs, and become a part of and achieve identity as the cultural baggage of that particular country. Eventually a society's tradition becomes an integral component of its being. It resolves a historians' discomfort with time to a small degree. It not only provides new information about the past period, but also helps in observing the transformations in travelled pasts. Along with supplying details about the past, tradition also re-examines the times of yore. In the ways of human life, a community's aggregate beliefs, practices, customs are in toto referred to as 'culture.' The relationship of culture with tradition connects the past to its contemporary present. Therefore, tradition has a historical affiliation with significant cultural forms. Tradition could also be viewed as the transfer of knowledge or the technique of loss of the adopted and accepted. 'Cultural history' refers to the act of defining tradition, and what historians have to say about those traditions.

If we look at the different phases of tradition, it will also have an impact on much analysis. Today's beliefs have a wide array of tradition, and they are a result of yesterday's research. To put it in different words, 'tradition' is, in fact, past customs deciding the needed and unneeded of contemporary times. Also, explanations of the past indicate knowledge of the tradition. 'Tradition' involves many phases, and social is one among them. The social values emerging out of this tradition attain firm footing in community and society. It stands firm, and controls the entire society. A society should always possess the natural quality of alteration. When a society is devoid of that quality, one cannot know the values of tradition. It is because the society is always in the flux that customs and practices of tradition change during one period to the other. Such customs are very helpful in controlling the manners of people in society.

There are innumerable traditions in India also. The diversity found in Indian life is not found among any other community in the world. Its environment, customary practices, and changes brought during foreign expeditions, etc have contributed to its diversity. The Aryan culture that evolved by 1600 BC led to the creation of four *varnas*. We cannot agree with the previous claim that four *varna* system existed prominently in Tulunadu. However, this background is necessary for the social and religious structure of Tulunadu. The philosophical and social framework of Tuluva society is founded on the ancient religious practices. Unique since ancient times for its multilinguality, monarchical rule, religious influence, communities, different practices, etc has lent a multifarious tradition for this region. Many scholars have attempted to identify this uniqueness of Tulunadu since second half of nineteenth century itself. Many intellectual engagements and studies have been carried out with the social, economical and religious matters of Tulunadu.

Scope of the study

Tulunadu historically is the undivided district of Dakshina Kannada in Karnataka and Kasaragodu district in Kerala State. The nomenclature 'Dakshina Kannada' is used here to refer to the present Dakshina Kannada district together with Udupi district separated in 1998, which were combined referred as 'South Canara' earlier. 'South Canara' was an extensively used term during colonial time, and it has been retained in special circumstances and while mentioning about colonial records. The name 'Kanara', which was formerly spelt as 'Canara' is derived from Kannada, the name of the regional language of the State. It appears that the Portuguese, who, on arrival in this part of India, found the common linguistic medium of the people to be Kannada, and accordingly called the area as 'Canara'; 'd' being not much in use in Portuguese. This name applied to the whole coastal belt of Karnataka and was continued to be used as such by the British. It is therefore necessary to deploy Tulunadu to refer to the 'cultural zone' that included Dakshina Kannada, Udupi, and Kasaragad districts. Present districts of Karnataka like North Canara, South Canara, Udupi and Kasaragod of Kerala were known as the Canara and Soonda Province, which was under the Madras Presidency. In 1799 AD, after the fall of Tippu Sultan, Tulunadu was brought under the new Canara province. The northern region of Canara province was called as North Canara. The same names continued as North and Southcanara after the unification of Karnataka State. (This ^{study} ~~thesis~~ has taken Dakshina Kannada, Udupi and Kasaragod districts in the vortex of Tulunadu for the present study.)

In order to analyze the judicial system experienced by Tulu Nadu during the different phases of history the researcher has divided these periods into pre-modern and modern eras. The time period after 1800 AD is considered as 'modern.' It can also be divided into pre-colonial and colonial period. Inscriptions play a crucial role in reconstructing the eleven centuries history of Tulu Nadu from seventh to eighteenth century A.D. On the basis of inscriptions belonging to three centuries from seventh to tenth century, the period of Tulu Nadu is considered as ancient period and according to the inscriptions from mid tenth to fourteenth century the history of Tulu Nadu categorised as medieval period. Given contemporary social scenario, it is very crucial to carefully analyze the shifts and transitions experienced by Tulu Nadu in the judicial field, and, to examine the different forms of judicial system adopted in different periods.

The district of South Canara is situated on the Western Coast of India, about half way between Bombay and Cape Camorin. From north to south, it is a narrow strip of territory and from east to west, it is a broken low plateau which spreads from Western Ghats to the Arabian Sea. The area intersected by many rivers and streams and presents a varied and most picturesque scenery. Abundant vegetation, extensive forests, numerous groves of coconut palms along the coast and arecanut gardens in most of the places, provide a refreshing greenness to the prospect. Ofcourse, due to severe urbanization the earlier beauty of Tulu Nadu has been lost now and the geographical features of Tulu Nadu have been changing continuously and considerably.

Understanding the foundations of adjudicative practices has relevance for contemporary period in the lives of members in Tuluva society. So the scope of this study intends to focus on many modes in which social and economic justice was articulated in the medieval or pre-colonial and modern or colonial periods in the history of Tulu Nadu. Towards this, a comparative analysis of the conception of justice as expressed in *paddanas*, in tribal judicial conceptualizations, and, the origin and nature of justice practices during British regime is undertaken here. As comparative perspective towards the judicial practices of Tulu Nadu is not adopted in scholarly studies so far, this thesis has particularly embraced comparative method as analytical tool. Further, the very fact that no research has concentrated exclusively on Tulu Nadu's judicial practices lends additional prominence to this work.

As mentioned in the beginning this thesis intends to study the functioning of judicial practices in the social tradition of Tulunadu from medieval to colonial period. It also aims to study if pre-modern or traditional justice practice and modern judicial systems functioned as complementary to each other or as parallel systems. Although modern judicial system has spread widely in its functional base, traditional *panchayat* practices are still prevalent in the rural areas to settle disputes and problems. In this background, a detailed study of such practices seems significant. Modern judicial system has spread into all fields of the country today. In the name of social justice, many new laws and acts have evolved. However, in rural areas traditional, customary practices of adjudication is prevalent as parallel to modern modes of judiciary. It is important to note that despite the presence of modern judiciary, traditional forms of imparting justice have not lost their relevance. Novel modes of adjudication have not replaced the older practices. Even if there is change in the judicial practices, the modern modes have not destroyed the older system and, instead, have incorporated the traditional into its purview either in its original form or as a modified version to suit the changed scenario additional prominence to this thesis's focus.

It is, at the same time, necessary to gather sufficient information about the society that has lived in Tulunadu and the unique tradition it has always maintained. Collating details about the social situation, struggles and difficulties of the indigenous people is both their right and responsibility. This study assumes prominence in this light as well. The scope of this study is very vast. So it tries to analyse the nature and functioning of the judicial institutions at different periods. This study does not deal much with any individual cases and judgements. But contextually some cases are dealt according to the necessity of the context.

Methodology and Sources for the Study

According to Carl Becker, history refers to a historian's study and method of objective presentation of matters related to human lives in the past. It could be in the form of an incident involving human being, the role assumed, feelings expressed or thoughts verbalized. In E. H. Carr's opinion, history is a happening in the past which has left some evidence or sources behind, and a process where the historian recreates it in the present with the help of the sources available. Both the above arguments point at truth-seeking as the chief objective working behind all endeavour of historians. This is a position of

modernity.¹⁵ While we apply this position of modernity to history-writing, it argues that quest for truth is the chief intention of history.

However, post-modernism¹⁶ that emerged as a response to the conceptions of modernity does not agree with history's claim over ultimate truth. According to post-modern ideas, history's chief purpose as pursuit of truth is a traditional position. As an alternative to the conventional modes of writing history, post-modernism adopts a critical perspective. It propounds that history consists of many truths, and not a single, conclusive truth.

The purpose of this present thesis is also not to seek a final truth. It merely intends to study the different facets of judicial system prevalent in Tulunadu from medieval times to the colonial period from subaltern perspective. Therefore, inscriptional sources, evidences from oral tradition, literary sources, and modern British records like proceedings and reports of the government, official correspondences, fortnightly reports, various acts are examined in formulating this thesis. As most of the folk materials related to Tulunadu are available in Kannada language, its scholarly ideas are respectfully acknowledged before translating them into English. It has followed the methods of visiting many places in Tulunadu under royal governance, interviewing scholars who worked on the subject, and exploring into the inscriptional, oral and archival sources. It attempts to recreate the local history of Tulunadu with an approach of interdisciplinary historical research. Attempts have been made to collect relevant materials for the study from both primary and concomitant sources.

In the process of my field work I debated with senior scholars of folklore in the region and their rich knowledge in the subject offered new approach in the course of my study. I have also had discussion with *bhuta* impersonators like Pambada, Parava, and Nalike people on the various dimensions of judiciary procedure in the theatre of *bhutharadhane*. Further the tribal community *gurikaras* of Koraga, Mundala, Mansa, Bakuda, Malekudiya, Marathi, Hasla, and other community *gurikaras* of Mogaveera, Jogi, Gowda, Billawa etc are interacted during the course of my study. The *nyaya panchayat* or arbitration procedure and internal administration of these communities have been discussed and a rich treasure of data gathered by this. While discussing about the history, society, culture and judicial system of medieval Tulunadu, both primary and concomitant sources are employed. A special emphasis has been laid on inscriptions as major evidences. Furthermore, British records like proceedings and reports of the government,

official correspondances, the manual's of administration, fortnightly reports, the various acts and orders of the government are used as primary materials to discuss about the modern or British period's justice system, revenue and police system. They were collected from different archives like Tamil Nadu State Archives at Egmore in Chennai, Bangalore State Archives, Divisional Archives at Mysore, Archives at District Commissioner's Office in Mangalore, Karnataka Theological College Library and Archives in Mangalore, St.Aloysius college Library and so on.

The material collected in the above manner synthesized with the scholastic maturity developed by senior scholars. Thus, the present study is compiled on the basis of sumptuous empirical data and voracious theoretical analysis, with multi-disciplinary approach.

As this thesis includes details about the antiquity, land and historical background of the inhabiting people, the available literature and anecdotes of the ancient Tulunadu are analyzed. Ancient *puranas* like *Gramapaddhathi*, *Sahyadri khanda*, *Konkanotpathi* and *Keralotpathi*, and so on, are utilized to study the nature of ancient Tulunadu. Although it is difficult to rely cent percent on the *puranic* literature, their significance cannot be denied completely. *Puranic* information is perceived as a result of the conflated system of religious and political supremacy. The main sources used here for the study are: Udaya Varma Raja's *Tulunadina Gatavaibhava* (1985), Keshava Krishna Kuduva's *Dakshina Kannadada Ithihasa: Tuluva Charithre* (1945), N.S. Kille and Sheenapa Hegde's *Pracheena Tulunadu* (1945), and *Dakshina Kannada Jilleya Charithre mattu Bhutala Pandya Rayana Aliyakattu* (1919), S. Krishna Bhat's *Thenkanadu* (1947), M. Ganapathi Rao Igal's *Dakshina Kannada Jilleya Pracheena Ithihasa*(1923), Gururaja Bhat's *Studies in Tuluva History and Culture* (1975) and *Antiquities of South Kanara* (1969), Govinda Pai's 'Tulunadu Poorva Smrithi' in *Tulu SahityaCharithre* (Art) (2007), K.V. Ramesh's *A History of South Kanara* (1970), B.A.Saletore's *Ancient Karnataka:History of Tuluva* (1936), S. Shettar's *Shangam Tamilagam mattu Kannada NaduNudi*(2007), Taltaje Vasantha Kumar's *Karnatakadalli Bhouda Samskrithi* (1988), Purushottama Bilimale's *Koragara Samskrithi*(1993), C.Vasudevan's *Koragas:The Forgotten Lot* (1998), Surynath Kamat's *Tulunadina Dharmika Parampare* (1975), S.D.Shetty's *Tulunadina Jaina Dharma: Ondu Samskrithika Adyayana* (2003) etc. As there is a dearth of primary materials about ancient Tulunadu, concomitant sources are utilized to lend a historical background to this thesis.

While discussing about the history, society, culture and judicial system of medieval Tulunadu, both primary and concomitant sources are employed. A special emphasis has been laid on inscriptions as major evidences. The prominent sources utilized at this stage are: P Gururaj Bhat's *Studies in Tuluva History and Culture* (1975) K.V. Ramesh's *Tulunadina Shasanagalu* (1978), *History of Southcanara* (1970), K.G.Vasantha Madhava's "*Religion in Coastal Karnataka*,(1985)", "*Political History of Kanara*" (1970), H R Karunakara's *Socio-Economic Conditions in South Canara,1856-1956* (1985), Jagadish Shetty's *The Agro-economic Relations and Social Structure in Dakshina Kannada,1000-1600* (1992), P.Ganapayya.Bhat's *Taulava* (1997), Chinnappa.Gowda's, *Samskruthi Siri*, (2003), P.N.Narasimha.Moorthy's *Jainism on the Kanara Coast* (1983), Mohanakrishna Rai's *Tulu Samskruthi Chaturmukhi Adhyayana* (1999), *Tulunadu Kannada Nudi* (2012), *Prabhutva Mattu Janathe* (2004), Indira Heggade's *Tulunadina Gramadalitha Mattu Ajalugalu* (2004), Francis Buchanan's *A Journey from Madras Through the Countires of Mysore, Canara and Madras* (3 Vols.), (1807),Surendra Rao's *Bunts in History and Culture* (2010), *South Indian Inscriptions*(Vol. VII, Vol IX Part I, Vol. IX, Part II, Vol XXVII), "Annual Report of South Indian Epigraphy" (ARSIE), Karnataka Inscriptions (K.I) etc. A.S. Altekar's *State and Government in Ancient India* (1949), Dinakar Desai's *Mahamandaleshwaras under Chalukyas of Kalyani*(1951), G.S.Dikshit's *Local Self Government in Medieval Karnataka* (1964), Ronald Inden's *Imagining India* (1990), K.P. Jayaswal's *Hindu Polity* (1927), Noboru Karashima's *Towards a New Formation, South Indian Society under Vijayanagara Rule*(1992), Hermann Kulke's(ed) *The State in India 1000-1700* (1995), *The Early and the Imperial Kingdom: A Processural Model of Integrative State Formation in Early Medeival India*, D.D. Kosambi's *An Introduction to the Study of Indian History*, R.N.Nandi's "Feudalization of State in Medieval South India," "Agrarian Growth and Social Conflicts in Early India,"R.S. Sharma's *Indian Feudalism*, "How Feudal was Indian Feudalism," Burtien Stein's *The Segmentary State in South Indian History; Peasant State and Soccity in Medieval South India*, "Vijayanagara and the Transition to the Patrimonial System," "Reapproaching Vijayanagara," "Vijayanagara," Romila Thapar's *A History of India, From Lineage to State; Social Formation in the Mid-first millennium BC in the Gangavalley, Mauryas Revisited, Early India*, B A Saletore's *Ancient Karnatataka;History of Tuluva*, N Jayaraj's *Soccity and Justice in Pre- Colonial South Canara* (2012) are other sources consulted.

In order to study judiciary system of colonial period the important primary sources collected and analyzed from these archives are: *Report of M. Lewin, Principal Collector of the Internal Administration of the Province of Canara, Dated 18th December 1837, Mangalore, 1911*; *Reports of John Stokes on Revision of Assessment and Disturbances, known as Koots in Canara 1830-31, Mangalore, 1885*; John Sturrock's *Madras District Manuals, South Kanara, Vol. I (1894)*, H.A. Stuart's *Madras District Manuals, South Kanara, Vol. II (1895)*; A.J. Arbuthnot collected *Select Reports of Criminal Cases Determined in the Court of Foujdaree Adalat of Madras 1826-1850 (1851)*; *Papers connected with the Reorganization of the Police in the Madras Presidency (1859)*, *Report of the Select Committee, 16 August, 1832*; *Minutes of Evidence, Judicial Proceedings of the Madras Board of Revenue (PMBR)*; *Proceedings of the Madras Judicial Department (PMJD)*; *Proceedings of the Madras Revenue Department (PMRD)*; *Proceedings of the Madras Political Department (PMPD)*; C.R.Cotton's *Report on the insurrection in Canara Coorg, 1837*; Mark Cubbon's *Observations on Cotton's Report on the Insurrection in Canara and Coorg 1839*; *Selection from the Records of Fort of Saint George*; *Papers regarding the Village Panchayat and other Judicial Systems of Administration (1812-16)*; Alexander. J. Arbuthnot's, Major General Sir Thomas Munro, Governor of Madras : *Selection from His Minutes and other official Writings Madras, 1886*; F. Anderson's *Reports on the Jamabandi of Canara for Faslis 1244 and 1245*; T.L. Blairs *Report on the Land Revenue System of Kanara 1848*; T.L. Blairs, ; *Report on the Land Revenue System of Kanara for fasli 1256, 1258*; *Manual of Administration of the Madras Presidency Vol.I, Madras, 1885*; Maltby and H.M. Blair's *Report on the Jamabandi of Kanara for faslies 1248-1250*; Maltby. F.N's *Report on the settlement of the Land Revenue of South Kanara District for fasli 1259, 1261, 1263, 1260*"; *Letters of Thomas Munro-Relating to the Early Administration of Canara, Mangalore, 1879* and *Letters of Harris.T, Collector and Magistrate in Mangalore to the Commissioners for the revision of Judicial system: Reports on the Appointments held by Potails and Shanubogues in Kanara 1815*; *Reports of the Commissioners for the Investigation of of Alleged cases of Torture in Madras Presidency, in 2 Volumes, Madras, 1835*; *Proceedings of Madras Government, Judicial Department ordered by T.Pycroft, Chief Secretary to the Principal Sudder Amin of western region*; *The South Canara Gazettes*; *Mangalore Magazines various volumes*; *Annual reports of German Evangelical Mission*; *Statistical Appendix to the District Manual of South Canara*; etc., Apart from these the other secondary sources used for this study are Mathew. H. Edney's

Mapping an Empire ; G.R. Gleig's *Life of Sir Thomas Munro* ; Walter Hamilton *The East India Gazetteer* ; C.D. Maclean's *Manual of the Administration of the Madras Presidency* ; Nicholas.B. Dirks *Castes of Mind ; Colonialism and the Making of Modern India* ; Amarthya Sen's *The Idea of Justice*; David Arnold's *Colonizing body: State Medicine and Epidemic Disease in the Nineteenth Century India*; Burton Stien's *Thomas Munro; The Origins of the Colonial State and His Vision of Empire*; David Arnold's *Police Power and Colonial Rule, Madras 1859-1947*; Samuel Miley's *Canara; Past and Present*; Powell Baden's *The Land Systems of British India (3 Vols)*; T.H. Beaglehole's *Thomas Munro and the Development of Administrative Policy in Madras; 1792-1818*; *The Origin of Munro System*; Abbe Dubois's *Description of the Character, Manners, and Customs of the people of India and their Institutions, Religious and Civil.*; S.S.Ayyangar's *Land Tenures in Madras Presidency*; K N Venkatasubba Sastri's *The Munro System of British Statesmanship in India*; Sounderraja Iyengar's *Land Tenures in the Madras Presidency, 1916*; A. Saradaraju's *Economic Conditions in the Madras Presidency, 1941*; Gangoli Krishna Rao's *Treatise on Aliya Santhana*; Elizabeth Kolsky's *Colonial Justice in British India: White Violence and the Rule of Law*, etc. Besides, South Kanara District Gazetteers, N.Shyam.Bhat's *South Kanara 1789-1860*; *A Study in Colonial Administration and Regional Response and Judiciary and Police in Early Colonial South Kanara*; Surendra Rao's *Bunts in History and Culture*; Malathi Moorthy's *Trade and Commerce in Colonial South Kanara (1799-1862)*; B. Jagadeesh Shetty's *The Agro - Economic Relations and Social Structure in Dakshina Kannada 1000-1600AD*, Krishna Bhat's *Loka Vyavahara Bhodini (1935)* etc.

In order to study the traditional and parallel judiciary system inspite of field work material, the main secondary sources analyzed are H.J.Lakkappa Gowda's *Karnataka Budakattugalu*, Amrutha Someshwara's *Koragaru*, Karavali Janapada, Buchanan's Traveller's Account, P.Kamalaksha's *Dakshina Kannada Jilleya Harijana mattu Girijanara Samajika Ithihasa*, Chidananda Moorthy's *Kannada Shasanagala Samskrithika Adyayana*, Prajna Ammebala's *Sri Kshetra Dharmastala: Bahumukhi Adyayana*, Lawrence D'Souza's *Koragas; A Primitive Tribe of Tulunadu*, C.Vasudevan's *The Koragas-The Forgotten Lot*, T.N.Shankernarayana's *Kadugollara Sampradayagalu mattu Nambikegalu*, Chidananda Murthy's *Kannada Shasanagala Samskrithika Adhyayana*, P.V.Kane's *History of Dharmashastras*, etc.

To analyze the many stages of judicial system as found in the *paddanas*, the prosperous folk literature of *paddana*, *kabite* and *sandi* are utilized in the thesis. Circumstantial fieldwork has been adopted in different parts of Tulu Nadu in order to collate information about oral literature. Through the same mode of field data, specificities about *bhuataradhane* are also gathered. Such details are logically classified, analyzed in a systematic fashion, and presented in a scientifically mode. Documented and further textualized *paddanas* are used as primary materials in the making of this thesis. The three stages of the development of Tulu folklore is observed here. In this regard, the regional Resources Centre of Folk Performing Arts at Udupi, Govinda Pai Research Centre Library, Tulu Sahitya Academy, Mangalore, Sri Dharmasthala Manjunatheswara Tulu Peetha, Mangalore University and Karnataka Theological College at Mangalore are consulted for gathering the relevant information. Basel Missionaries' collection of *paddanas* and literature pertaining to *bhutaradhane* are considered during the dissertation period. Likewise, the other *paddanas*, proverbs, legends, riddles, folk songs and folk games found in Tulu Nadu are also brought under close scrutiny.

Thus, this thesis is a result of the analysis of varied kinds of material like *puranas*, anecdotes and legends, inscriptions, literary corpus, primary records of the British period, and folk literature, etc. It debates about both traditional and modern modes of justice imparting, and also provides a cultural picture of the advantages and disadvantages of those adjudicative practices. In addition, parallel pictures available in unwritten sources like *paddanas* are brought under the purview of debates initiated here.

Tulu Nadu, or colonially identified 'South Kanara,' was an abode of many newspapers and periodicals. To mention a few important: *Krishna Sukti*, *Swadeshabhimani*, *Navayuga*, *Kantherava*, *Rashtrabandhu*, *Swatantra Bharata*, *Satyagrahi*, *Tilaka Sandesha* and *Swarajya*. The newspaper *Mangaluru Samachara*, edited by Herman Moegling, was the first newspaper in Kannada, started by the Basel Missionaries in Mangalore. All these newspapers are preserved in Rashtrakavi Govinda Pai Samshodhana Kendra, Udupi, and in the archives and library sections of Karnataka Theological College, Mangalore. All these sources are examined during the making of this doctoral dissertation.

Nature of the Study : Plan of work

The present thesis has extended its research focus on regions of undivided Dakshina Kannada district like Dakshina Kannada, Udupi and Kasargodu regions. The idea of 'Tulunadu' is retained and studied as defined in the earlier pages. Keeping ancient period as a fastener, the researcher have analyzed the different phases and transformations that took place in justice practice from medieval to colonial period in Tulunadu. For the study of judicial system during medieval times, inscriptions and literary texts of the period are used as primarily sources. Centuries ranging from seventh to eighteenth (800-1700 AD) are categorized as 'medieval period' of Tulunadu here. The Tulunadu of eighteenth century onwards, i.e., after it came under the rule of Madras Presidency (1799 AD), is maintained as modern period.

Inscriptions play a crucial role in re-constructing the history of Tulunadu for more than eleven centuries, from seventh to the end of eighteenth century. From the perspective of inscriptions, the period between mid seventh to mid tenth century is considered as ancient, and from mid tenth to mid fourteenth century as medieval period.

This study analyzes different matters by keeping the social traditionalities of Tulunadu at the backdrop. As the word 'tradition' has a very vast scope, the term has been restricted here to social field alone. Religious traditions are discussed during contextual requirements. For a convenience of the study, the thesis "**Judicial System in the Social Tradition of Tulunadu**" has been divided into seven chapters.

First chapter, includes an introduction, objective and importance of the study, scope and methodology used, and the different sources brought into play. This chapter also includes a review of the scholarly engagements with Tulunadu's judicial system so far.

The historical and geographical background of Tulunadu is discussed in the second chapter. Though it is a brief chapter, it describes the land, water and environment of Tulunadu. Multiple opinions about the significations of the word 'Tulu' is observed here. It also describes the errors one might commit by defining the boundaries of Tulunadu based on linguistic factors. Different stories about the origin of Tulunadu as maintained in *puranic* sources, and in the *puranas* of original inhabitants of the land, Koragas are observed. There also has been an attempt to observe the socio-religious traditions and beliefs of Tulunadu. An insight into the cultural transformations in the region has also

been thrown in this chapter. This chapter also discusses some of the incidents related to adjudication as mentioned in the *Gramapaddathi*.

Third chapter debates about the judicial system prevalent in Tulunadu during the pre-colonial period. A special emphasis has been laid on the social groups and structural set up as depicted in medieval inscriptions. Further, the political sovereignty of medieval era is discussed in terms of centralized and decentralized sovereignty. Different facets of judicial structure that corresponded to such centers of sovereignty are brought under scrutiny here. There was a decentralized mode of governance in Tulunadu during the Vijayanagara period. Administration included many stages like *guttu*, *grama*, *magane*, *seeme*, *rajya* and *mandala*. These were major administrative units, and the appointment of officials was accordingly done. Last in the governing hierarchy, *guttu*, played a decisive role in local administration. Through the same *guttu* unit, Bunt community rose to the level of exerting control over villages, and they also emerged as prominent landlords. Official at *guttu*-level enjoyed all kinds of power and privileges. Matters like Bunts were recognized especially as military commanders and as *guttu* heads during Vijayanagara are detailed in the same third chapter. The concepts of justice as viewed in inscriptions, and its actual adjudication is observed here. Further, the extent of 'justice-abidance' as seen through judicial systems of that period is discussed.

Fourth chapter discusses the origin of judicial procedures during colonial phase. One of the important legacies of the colonial rule in India was the introduction of the powerful judicial system. It is a synthesis of indigenous traditions and customary laws and the British rule of law. Although British East India Company had executed a uniform judicial system at all India level to assist in efficient conduct of administration, it was modified so as to suit locally specific requirements of colonial regime. This chapter also discusses how judiciary used as a pretension of civilization to serve the machinery of colonialism. All its three presidencies consisted of Courts from lowest level to many higher courts. Arguments between two perspectives of judiciary implemented by the British rule in Tulunadu, i.e., Cornwallis and Thomas Munro system, are also discussed in this chapter. Furthermore, the other major issues dealt with in this chapter are the entry of colonial regime and its disposition; attempts of British sovereignty to create a civil society; and, justice system, codes of law courts and judiciary, British judiciary and social change. Co-ordination between different factors like western influence, indigenous stances, judiciary, revenue system, and police system are debated in the same chapter.

Fifth chapter discusses the prevalence of traditional justice practice as a parallel to modern judiciary. The major factors debated in this chapter are: common elements found in conventional justice system, the traditional adjudicative practices of Tulunadu's tribal communities and their comparison with judiciary of other tribal communities of Karnataka, the traditional and parallel justice observance guided by religious principles and temple judicial practices like *divya* and *hoilu* systems, judicial practices of Basel Missionaries after 1840 A.D and so on.

Sixth chapter is the longest, which has undertaken a study of the concepts of 'justice' as derived from *paddanas*. It discusses about the significance of *paddanas* as historical materials, their nature, and different contexts of rendering, etc. The chapter also focuses on the Tuluva society and communities as described in the *paddanas*. Aspects like the culture of Tulunadu, business transactions and other issues are discussed here. Further, the matters of 'justice' as carried on in the *paddanas*, the different stances of resistance, 'justice' accord or denial, etc, are included in the sixth chapter. The major *paddanas* discussed here are Siri, Koti Chennaya, Kalkuda-Kallurti, Koraga Taniya, Mukambi Jevu, Parati Mangane, Mayandal, Nagasiri Kanyage, Kordabbu-Tannimaniga, and so on. The conceptualization of justice in the actual realm of *bhutaradhane*, judicial system, and deliverance of justice, and the play of politics in *bhutaradhane* are discussed with examples here.

Seventh and final chapter presents the real life experience of the people of Tulunadu in relation to justice practices. A comprehensive view of the aspects studied in this thesis, the concepts of justice experienced in the traditional social set up of Tulunadu, and the factors experienced under the modern judicial institutions are summed up as research findings in this chapter.

Tulunadu's Judicial System: A Review of Literature

Tulunadu is a land of great antiquity and diverse cultural history. The tradition of historical writing here is not different from that of the country's historical setting. It applies to almost all the regions in the subcontinent. Much before the western methods and conceptions of history were introduced in Tulunadu, there were innumerable efforts to identify and conceptualize the regional history here. The literary forms available in Tulunadu like legends, *sthala-puranas* (local histories), and oral songs have travelled in abundance since ancient period. They have remained as traditions contributing directly

or indirectly to history writing, or as a means of expressing the historical consciousness of people. Significant texts among these sources are *Sahyadrikhanda* in Sanskrit, *Gramapaddati* in Kannada and the unique corpus of *paddana* in Tulu. *Sahyadrikhanda*, *Gramapaddati* and *paddana* are exceptional sources throwing ample light on the historical consciousness prevalent in Tulunadu. As Vedic literature, brahmanical, mythological narratives are crucial in understanding the history of ancient India, so are the above mentioned sources helpful in constructing the historical fabric of ancient and medieval Tulunadu.

At the end of eighteenth century, Tulunadu came under the direct control of British colonial rule. The studies undertaken by the British officials in order to acquire knowledge about the history, life styles and administrative practices of the local people paved new ways towards the writing of history here. The British realized that it was essential to understand the communities, geography, language, customs and practices, behaviour of the people in order to facilitate the different programmes sketched to plunder the economic prosperity across Tulunadu. Likewise, it was also crucial for them to comprehend the political, social, economic, revenue and religious sentiments of the people inhabiting. They were guided by the opinion that, acquiring a comprehensive colonial knowledge of the coastal Karnataka was essential in strengthening the British imperial authority, and to seize complete sovereignty over the region¹⁷.

As a continued effort, the first Collector of the Canara province Sir Thomas Munro's published writing, especially, *Letters of Sir Thomas Munro Relating to the Early Administration of Kanara, 1799-1809* is a very significant record. It not only assists in examining the ancient past of Tulunadu, but also helps in understanding the colonial perspective and administrative impulses working behind the implementation of Ryotwari system of Munro. Furthermore, the *Jamabandi* reports submitted from time to time, and the Company officials' administrative records are noteworthy sources. For example, H M Blair's *Report on the Jamabandi of Kanara for the Land Revenues System of Kanara*. In addition, Francis Buchanan's *A Journey from Madras through the Countries of Mysore, Kanara and Malabar* (3 Volumes), Mackenzie's *kaifiyats*, E. Hultzsch collection of inscriptions, J. S Sturrock and H. A Stuart's *South Kanara Manuals* were some of the significant efforts of the period.

The above mentioned reports and records provide ample information on the culture, language, judicial system, land ownership, social regulations, land tenures, matrilineal tradition, etc of Tulunadu. These, not only assisted the British in recreating the ancient history of coastal Karnataka, but also helped in comprehending the abundant historical presence of Tulunadu. It is also not an exaggeration to say that the Basel Missionaries worked extensively throughout Tulunadu in the nineteenth century, and played a momentous role in unearthing the cultural face of the region. They not only collated knowledge about the language, living and culture of the people of coastal Karnataka, but also gathered sufficient details about the beliefs, practices of the under privileged, and their economic and social conditions. This knowledge production includes the life and customary practices of some of the prominent communities in Tulunadu like Billawas, Mogaviras, Bunts, Jains, Paravas, Pambadas, Nalke, Mugeru, Koraga, Bakuda, Malekudiya, etc.

Although proselytization was the chief concern behind Missionaries' presence in Tulunadu, they paid a lot of attention to the religious practice of *bhutaradhane* here. Missionaries initiated studies on the most prominent religious theatrical practice of *bhutaradhane*. M J Walhouse wrote an article titled, *On Behalf of the Bhutas – Devil and Ghost Worship in Western India* in as early as 1875 itself.¹⁸ It contains detailed information on different aspects of *bhutaradhane*. A C Burnell's *The Devil Worship of the Tuluvas (1884-1897)*¹⁹ is a collection of research articles, detailing about the origin of *daivas*, the rituals around *daivaradhane*, its cultural specificities, and so on. It is primarily a collection of *paddanas*, containing twenty six *bhuta paddanas* in English. In terms of worship, the first few chapters of this text are very crucial.

Basel Missionaries initiated the task of compiling Tulu *paddanas*. A. Manner collected *paddanas* and published as an anthology titled *Paddanolu*²⁰ in 1886. It is the first ever anthology of Tulu oral songs containing twentyone *paddanas*. Among them, first twenty *paddanas* are in Tulu language and written in Kannada script. The last *paddana* called *Pilichamundi* is in English language. All the twentyone *paddanas* collated in this anthology are about the major *bhuta* deities of Tulunadu. The first chapter of the *Census of India – Vol XIII, Part I: Madras* on “Religion: An Account of Chief Religion”; R. Caldwell's article “Demonology in South India” contain many details about *bhutaradhane*. Rev. Moegling of the Basel Mission has also provided sufficient details about *bhutaradhane* in his book *Gazetteer of Coorg*.

While considered from a cultural perspective, the *paddanas* collated by the German missionaries are very crucial. They describe the origin and habitats of different *daivas* and their types, nature, hierarchical structure, etc. In addition, a lot of information about the associated communities of *bhutaradhane* is also supplied by the above mentioned textual corpus.

Christianization was the objective behind many studies undertaken by the scholars affiliated with the Basel Mission in its initial stages. They also gathered information about the customs and practices of Scheduled and tribal communities here. Although they had tremendous interest in *bhutaradhane* and other community practices in Tulunadu, a definite colonial agenda worked behind such knowledge-gathering. Guided by racially discriminating principles, they misinterpreted the *daivaradhane* of Tulunadu as “devil worship,” as it was also a part of their colonial project. While defining the deities of Tulunadu as ‘devil,’ they exercised the hidden agenda to propose christian religion and its god as the supreme. Thus, by imposing their racial supremacy on the local population, they aimed to convert people into christian faith. This unique project aimed at solidifying its existence in Tulunadu, and ensure absence of hurdles for the colonial sovereignty. Thereby, impose a cultural proprietorship over the society in prosperous coastal region. However, it is undeniable that such scholars’ study helped indirectly in recreating the coastal language, culture, society, economy, religiosity and history.

The two precious volumes published at the end of nineteenth century are a milestone in the historical narratives of Tulunadu. Under the title *Madras District Manuals: South Kanara*, two volumes were published in 1894 and 1895AD by the Collectors of South Kanara John Sturrock and H.A Stuart. Statistics related to the history, antiquity, revenue system, communities, history of land ownership, forest resources, judicial system, etc, of Tulunadu are recorded in these two volumes. It included brief description of the revenue system during Vijayanagara period, and was based on the records prepared by Sir Thomas Munro, who worked as Collector in the region. Despite their significance as repository of crucial details, authors John Sturrock and Stuart compiled these volumes as representatives of the colonial governance. It focused on the priorities of the colonial rulers, and appears as a handbook of information for the later officials serving under the colonial administration. Despite adhering to the objectivity motives while constructing ‘history proper,’ these two volumes propound colonial ideology and thoughts.

Strurrock's first volume contains seven chapters, and fails to provide comprehensive information on South Kanara. The second volume of Stuart consists of twentyone chapters, and the fifteenth chapter provides details about the judicial aspects of British period. The existing courts at different levels, list of crimes, arms regulation act, Grama panchayats, police, etc, are described in this chapter.

Thus, the initial studies undertaken about Tulunadu during the colonial period were aimed at establishing a cultural supremacy here by employing the regional history guided by ideological underpinnings.

As a response to the imperialistic writings representing their sovereignty, indigenous scholars had expressed contesting views against colonial propositions. Nationalist historians resisted the opinion expressed by the British after colonizing India that Indians lack historical sense²¹. As nationalists reacted at the all-India level, the local scholars of Tulunadu also expressed a sentimental response.

Research and studies adhering to the methodology of history-writing were conducted in Tulunadu in the first half of twentieth century. The historians, who laid foundations of historical research and studies about Tulunadu in the first five decades of twentieth century were Polali Sheenappa Hegde, Manjeshwara Ganapati Rao Aigal, Manjeshwara Govinda Pai, B A Saletore, and so on. Although their works do not discuss the judicial system of Tulunadu in particular, they provide a lot of information towards the same.

Nandalike Amuninjeguttu Sheenappa Hegde is popular as a historian of Tulunadu in the name of Polali Sheenappa Hegde. His prominent works include *Dakshina Kannada Jilleya Charitre mattu Bhutala Pandya Rayana Aliyakattu*.²² Although the one hundred and ninety pages and thirtytwo chaptered book contains extensive details about Tulunadu, it doesnot mention about the judicial system of the region. Another attempt to construct the history of Tulunadu was undertaken by Sheenappa Hegde in the company of N S Kille, and published *Prachina Tulunadu*²³ in 1954 AD. Although there was a gap of thirtynine years between Sheenappa Hegde's first book and *PrachinaTulunadu*, it doesnot appear as if either historical perspective or methods of writing history have undergone any modification.²⁴

It is Manjeshwara Ganapati Rao Aigal, who laid a systematic foundation for the historical study of Tulunadu. His major was *Dakshina Kannada Jilleya Prachina*

*Itihasa*²⁵. This text has been considered as a very significant contribution in the study of the history and culture of Tulu Nadu. It was a result of the many sources available in that period, and is very close to the techniques of history writing and modern methods of research. Even this text does not describe the judicial system in detail. Aigal was immensely interested in fieldwork, and referred many books while penning his *Dakshina Kannada Jilleya Prachina Itihasa*. Beginning with a geographical understanding of Tulu Nadu, the four hundred and fifty paged book contains thirty five chapters in total. With the new preface of K V Ramesh, this book has been reprinted in 2004. But this book does not contain any details about the judiciary system of Tulu Nadu.

Manjeshwara Govinda Pai has been one of the foremost in attempting to distinguish the tradition of Tulu Nadu. Although he has not written any book pertaining to the region, he has authored a number of scholarly articles on Tulu Nadu's history, literature and culture between 1927 and 1962AD. His twenty one articles have been published as part of Govinda Pai research volume²⁶ by the Govinda Pai Research Centre at Udupi under the title *Tulunadina Itihasa*. We cannot find direct details about the judicial system of Tulu Nadu even in his works.

Further, Bhaskarananda Saletore, is one of the major professional historians, who engaged in writing the history of Tulu Nadu. His prominent text is *Ancient Karnataka, Vol I, History of Tuluva*.²⁷ It is a very crucial contribution to the history of Tulu Nadu, and is still considered as an authoritative work on Tulu Nadu. As it was written during the heights of nationalist era, the period's influence could be noticed in the text as well. Ranging to around six hundred and sixty pages, it consists of six main chapters. It discusses the history of Tuluva, Alupas political relationships, Grama paddathi, religious history and the Tuluva life as depicted in *paddanas*. In the fourth chapter known as 'village organization' Saletore discusses some cases pertaining to the judicial administration of Tulu Nadu as mentioned in *Gramapaddati*. B A Saletore's other works include *Social and Political Life in Vijayanagara Empire*,²⁸ *Karnataka Trans-Oceanic Contacts*,²⁹ and *Attavara Daivongulu*.³⁰ Apart from these books, Saletore has also published many articles. Thus, through his books and write-ups, Saletore has thrown a plenty of light on many aspects of the history of Tulu Nadu.

By the fourth decade of twentieth century many literate publics of Tulu Nadu developed special interest in the history and culture of the place. To mention one representative

figure was Karkala Keshava Kudva. His *Dakshina Kannada Jilleya Itihasa ;Tuluva Charitre*,³¹ written in 1948AD, is a simple history-related text, consisting of seventeen chapters in one hundred and seventy five pages. It narrates the historical details from the beginning period to the end of British regime in Tulunadu. However, it doesnot carry any description or deliberation on the judicial system of the region.

There was a revolutionary change in the methods of history-writing after India's independence. The existing methods of history-writing were interrogated. A new generation of historians with altered lines of thought re-examined the foundations of traditional history. In this background, the historians who perceived the country's history from new angles included D. D Kosambi, R S Sharma, Romila Thapar, D N Jha, B. D Chattopadhyaya, and so on. Similarly, prominent historians in Tulunadu conducted rigorous studies on the language, culture, socio-religious history of Tulunadu in the post independent era. It is not a hyperbole to state that, since 1960's a definitive, authoritative and disciplined approach was introduced in the histories about Tulunadu. Since the 1960s there have been many attempts to undertake the study of Tulunadu at University levels, conduct a rigorous research, and collate and present the research findings within the disciplinary structures of history-writing.

A new avenue to the historical studies of Tulunadu was thrown open by K V Ramesh's *A History of South Kanara*.³² It was a published version of his PhD thesis. A result of his indepth research between 1963 and 1965AD, *A History of South Kanara* is the first PhD thesis pertaining to the history of Tulunadu. It is completely based on the inscriptions found in the region and around five hundred inscriptions and some other sources have been employed to substantiate the history of Tulunadu. It provides a brief account of the judicial practices during Alupa and Vijayanagara rule in the Tulu region. An examination of the history of Dakshina Kannada from the beginnings of historical era until 1565, the end of Vijayanagara rule, was the chief focus of this book. The picture of other aspects like administrative, social, religious and economic systems have been brought together as supplementary sources. The book consists of ten chapters in total. A year before publishing his *A History of South Kanara*, K V Ramesh had published another work titled *Tulunadina Itihasa*.³³ It could well be described as an abridged version of *A History of South Kanara*. In 1985AD the author, along with A J Sharma, published a book *Tulunadina Arasu Manetanagalu*³⁴. It could be perceived as a revised version of *Tulunadina Itihasa*. Again in 1978AD in the company of A J Sharma, K V Ramesh

brought out a collection of the inscriptions of Tulunadu titled *Tulunadina Shasanagalu*.³⁵ The judicial conceptualizations prevalent in medieval period as evidenced in the inscriptions could be derived from this text.

Another outstanding name in the historical research of Tulunadu is P. Gururaja Bhat. His works attempted to study the multifariousness of Tulunadu's history and culture. His magnumopus *Studies in Tuluva History and Culture*³⁶ has been hailed as an encyclopedia of history, culture, art and architecture of Tulunadu. Etymology of the Tulu words, geographical spread of ancient Tulunadu, its political history, social matters, royal dynasties, administration, economic lives, society, religion, architecture, judicial system, sculpture, etc., are elaborated in detail here. His other works include, *Tulunadu*,³⁷ *Antiquities of South Kanara*,³⁸ *Tulunadina Itihasadalli Barkuru*.³⁹ A conventional style is visible in the writings of Gururaja Bhat. However, Bhat has discussed about the judicial procedures found in Tulunadu as recorded in the contextual inscriptions.

One more addition to the literature on Tulunadu's history, society and justice system is Suryanath Kamath's *Tuluvas in Vijayanagara Times*.⁴⁰ This work throws light on the Vijayanagara kingdom and its relationship with Tulunadu. Another scholar who has been incessantly serving towards the stories on history and culture of Tulunadu since 1970s is K G Vasanta Madhava. Although his Ph.D thesis submitted to Dharwad University titled "*Political History of South Kanara*"⁴¹ is not published, through this study he has brought out many research material on the history and culture of Tulunadu. Although none of his works discuss the justice system in detail, they do throw a few insights into the area. His other works include *Religions in Coastal Karnataka*⁴², *Western Karnataka, Its Agrarian Relations*,⁴³ etc.

In the 1980s many research dissertations were submitted to Karnataka, Mysore and Dharwad Universities paving way for academic discussion in this scholarly circle. Important among them were B.Vasantha Shetty's *Barkur: A Metropolitan City of Antiquity, Its History and Culture*,⁴⁴ P.N Narasimhamurthy's *Jainism in Canara Coast*,⁴⁵ H.A.Karunakara's *Socio-economic Conditions in South Kanara 1860-1956*,⁴⁶ etc. Even these texts do not offer sufficient insights into the judicial system of Tulunadu. However, they are highly helpful in recreating the social and economic history of the region.

Mangalore University's History Department has also been successful in producing many relevant research works in the fields of Tulunadu's history, society and culture since the 1980s. One of the most prominent among them is Shyam Bhat's *South Kanara – A Study of Administration and Regional Response*.⁴⁷ It throws light on the administrative, judicial and revenue reforms introduced during the British regime between 1799 and 1860. It could perhaps be described as the first text centered on the British judicial system. He also published a separate text exclusively focusing on the justice practices titled, *Judiciary and Police in Early Colonial South Kanara*⁴⁸ in 2001. It provides a detailed account of the British justice and police system from 1799 to 1862 AD. It has been divided into four chapters. First chapter is a Preface, discussing the geography, historical accounts, and the judicial system prevalent in South Kanara before 1799 AD. The second chapter describes the British justice system prevalent in South Kanara. The major issues focused here are: the nature of judicial administration, division of courts of law, description of Civil and Criminal courts, etc. The third chapter discusses the Police system prevalent in Tulunadu. It again focuses on the nature of administration, its structural method, etc. Thus, this work acts as an apt spring board for the present thesis. The other research works relevant are Peter Wilson Prabhakar's *Basel Mission in South Kanara*,⁴⁹ Malathi K Murthy's *Trade in Colonial South Kanara*,⁵⁰ Jagadish Shetty's *Agro-Economic Relations and Social Structure in Dakshina Kannada(1000-1600AD)*⁵¹ and so on. Although they do not focus unilaterally on the judicial procedures of Tulunadu, they are crucial studies in the areas of Tulunadu's history, culture, society, economic system, regional singularity, agrarian society, land tenement, different kinds of agricultural production, land ownership, Basel Mission's working objectives, etc.

Another important study to take note of regarding the traditional justice system of Tulunadu is Jayaraj's *Society and Justice in Pre-Colonial South Canara*.⁵² Employing only *paddanas* as sources, this work examines the pre-colonial society, agricultural system and administration, and traditional judicial practices of Tulunadu. It consists of many issues like the justice proceedings during *bhutaradhane*, modes of resistance as expressed in the *paddanas*, and so on. Using only *paddanas* as sources and discussing only the pre-colonial justice system is also the major limitation of this research work. This work doesnot study the modern and traditional judicial practices comparatively. We couldnot consider it a comprehensive picture therefore. However, an all-inclusive study

of the *paddanas* could definitely navigate the future studies on Tulunadu's judicial practices.

Among the texts that were produced with Tulunadu's cultural, religious and economic history as the backdrop, Shaila.T.Varma's *Tulunadina Shasanagala Samskrutika Adhyayana*⁵³ is a worth-noting. It is largely based on the inscriptions available in the region. However, it focuses more on political issues rather than cultural ones. Although ancient and medieval administrative system of Tulunadu, its sociological, cultural and religious matters are described in detail, it doesnot carry much information about the judicial system. S.D Shetty's *Tulunadina Jaina Dharma-Ondu Samskruthika Adhyayana*⁵⁴; Mohanakrishna Rai's *Urbanization in Mangalore, A Colonial Experience*⁵⁵; Y Umanatha Shenoy's *Region and Religion – Dharmasthala, A Study*⁵⁶ and other research works provide a plenty of knowledge about the process of urbanization, social traditions and religious and cultural history of Tulunadu.

A lot of texts have been published regarding the history and culture of Tulunadu since the 1990s. Many among them throw light on the society, tradition and justice system of the Tuluva province. To mention a few significant among them are, Mohanakrishna Rai's *Tulu Samskruti Chaturmukhi Adhyayana*,⁵⁷ *Tulunadu Kannada Nudi; Tulu Karnatakada Nadu-Nudi Chinthane*⁵⁸, *Tulunada Siri – Baduku Horatada Kathana*,⁵⁹ and B. Surendra Rao's *Bunts in History and Culture*,⁶⁰ and so on. In *Tulunadu Kannada Nudi*, Mohanakrishna Rai debates many aspects like Tulunadu's geography, its boundaries, linguistic relationships and authority, grounds of politics, etc. He tries to identify the all-India level feudal practices in the systems of Tulunadu as well. He continues to discuss the traditional justice practices prevalent in Tulunadu in his detailed study of the Siri epic, titled *Tulunada Siri – Baduku Horatada Kathana*.

Although Surendra Rao's *Bunts in History and Culture* is about the prominent community of Bunts in Tulunadu, he also provides ample information about the political, economical and sociological aspects of the region. While discussing the stories of heroic men and women like Siri, Devu Punja, Kacchura Maldi, Balandi and Mayandal, Surendra Rao attaches detail about the judicial system of Tulunadu. He also debates about the constitution and functioning of the *guttu* structure prevalent in Tulunadu. It is not a hyperbole to opine that, Rao's book is the most authoritative among the texts woven around the Bunt community and Tuluva region.

Many studies have been undertaken regarding the judicial system of Tulunadu in both Kannada and folklore disciplines. We could identify three stages in collating and analyzing the folkloristic materials of Tulunadu: in the first stage foreign scholars, including missionaries; in the second, regional scholars; and in the third stage of last 30-40 years many foreign and local scholars together have documented and examined the folk materials. Many significant studies have been conducted on the traditional judicial system of Tulunadu, *bhutaradhane*, and the *paddanas* associated with *bhutaradhane*. Folk literature and oral narratives are the spontaneous outcome of the feelings of common man reveal the hopes and aspirations of the society as a whole. The Tulu folk epics are produced within the framework of the tradition and values of the Tuluva life. The geographical and historical aspects of these texts help us to trace their political and cultural history.

Amrutha Someshwara's works which examined the folk materials in a very serious light like *Avilu*,⁶¹ *Tulu Baduku*⁶², *Tulu Paddana Samputa*,⁶³ and so on provide details about Tulunadu's *bhutaradhane* and the justice proceedings conducted in that platform. Vivek Rai's *Anwayika Janapada*,⁶⁴ *Tuluva Adhyayana: Kelavu Vicharagalu*,⁶⁵ present the scientific bases of Tulu folk studies. They contain information about the judiciary related aspects, and also debate about how the sovereignty-oriented justice system twists situations to its requirements. We could witness a non-glamorizing, objective approach towards epics in Vivek Rai's writings. In his magnumopus *Tulu Janapada Sahitya*⁶⁶ he has laid down a definitive guidance for the study of the great epics of Tulu language. He has scrutinized the *paddanas* with multiple approaches like social, cultural and anthropological, rooting them in textual analysis.

The multifarious relationship existing between the religious theatre *bhutaradhane* and *paddanas* is discussed by K Chinnappa Gowda in his work, *Bhutaradhane – Janapadiya Adhyayana*.⁶⁷ In terms of the epics discussed here, the following chapters are of great significance “Bhutharadhaneya Samskrutika Swaroopa”, “Bhutaradhane mattu Kalegalu”, “Bhutaradhane mattu paddanagala samskrutika sambandha, ” and “Nyayanga Vyavastheyagi Bhutaradhane”. This text focuses on the varied theatrical manifestations of Tulu oral tradition. As it discusses about the ritualistic association of Tulu epics, it has a significant position in the study of *paddanas*. While dwelling on the multiple relationships that Tulu folk epics have developed, K Abhaya Kumar's *Mugera Janangada Janapada Adhyayana*⁶⁸. Paltadi Ramakrishna Achar's *Nalike Janangada*

*Kunitagalu – Ondu Adhyayana*⁶⁹, Sundar Naik's *Karavali Karnatakada Marati Jananga: Parampare mattu Adhunikate*⁷⁰, D R Panduranga's *Dakshina Kannada Jilleya Bhairaru: Samskrutika Sahityika Adhyayana*⁷¹, and so on have gained tremendous prominence. These texts analyze the influence of particular communities' world view on the creation, usage and spread of folk epics. The judicial procedures followed among these social groups are also discussed in the above mentioned community-specific texts.

As part of the studies on Tulunadu's justice system, Ajith Kumar has described the traditional judicial functioning among different communities and places of Udupi taluk in his research work *Udupi Talukina Janapada Nyaya Paddati*⁷². Purushottama Bilimale's *Karavali Janapada*⁷³ also deals with the justice procedures among different communities like Bakuda, Maila and Bakuda. His other work *Koragara Samskruti*⁷⁴ provides information about the tribal judicial practice of Koragas, a tribal community in Tulunadu. While discussing the anti-establishment stances of Koti and Chennaya in his salient book *Koti-Chennaya: Ondu Janapada Adhyayana*,⁷⁵ Vamana Nandavara also dwells on the justice practices during those days. K. Ashok Alva's *Tulunadina Prani Janapada*⁷⁶ highlights the possibilities of utilizing the cultural texts of long narratives or epics. It also describes some of the tribal communities of Tulunadu.

Different forms of the folklore of coastal zone have been employed in her theoretical discussions by Gavathri Navada in the book *Virachane*.⁷⁷ There are, in all, twelve articles in this book. Gayathri Navada has utilized the *Siri sandi* to its best while deliberating under different article heads like gender, gender categories and textual nature, representation of womanhood in *paddanas*, *Siri* – a search for female identity, exposition of female chastity in folk songs, etc. She has successfully described the possibilities and necessities of the paths of feminism and women's emancipation through her analysis of *Siri paddana*.

In *Coastal Karnataka*⁷⁸, a book edited by U. P. Upadhyaya, Amrutha Someshwara has written an article titled "Judicial Aspects of Bhuta Cult." It presents the many facets of *bhutaradhane*, and the adjudicative responsibilities undertaken here. Apart from the above mentioned texts, there is more published material in the folk studies field that contextually discusses the judicial aspects associated with *bhutaradhane*. To mention a few prominent books: Vivek Rai's *Puttu Balakeya Paddanagalu*⁷⁹, Purushottama Bilimale's *Karavali Koodukattu*⁸⁰, Vamana Nandavara's *Janapada Suttamutta, Janapada*

Samskruti Rupisuva Baduku – Kelavu Charchegalu, Paltadi Ramakrishna Achar's *Janapada Minadana*⁸¹, Gayathri Navada's *Karavali Sahityadalli Streevadi Nelegalu*,⁸² Damodara Kalmady's *Koti Chennaya Pardana Samputa*,⁸³ Peter J Claus' articles compiled into *Tuluva Darshana*⁸⁴ (edited by A V Navada & Subhaschandra), Kanaradi Vadiraja Bhat's *Paddanagalu*,⁸⁵ and so on.

Regional Resources Centre for Folk Performing Arts(RRC) at Udupi has been a major institute for the documentation and research on folklore, contributing in a large scale even to this day. The materials collated and documented by RRC in the field of folklore have been maintained in a library called "Siri Sampada." It's a digital archive preserving 5505 hours of audio documentation, 5170 hours of video documentation, around 5288 colour films, around 25790 Black & White photographs, 8553 slides and around 20078 colour photographs. So this study has interrogated legendary sources, oral literature, archaeological and archival sources in compiling this thesis

Notes and References

1. Maduabuchi Dukor., 'Conceptions of Justice' *Indian Philosophical Quarterly*, Vol. XXIV No. 4, October 1997, pp. 499-508.
2. *Ibid.*
3. *Ibid.*
4. Internet Encyclopedia of Philosophy Entries., Western Theories of justice of Wayne.P. Pomerleau, visited on 1-9-2015.
5. Stanley, I. Benn., 'Justice' in *The Encyclopedia of Philosophy*, Vol. 324, Macmillan Publishing Corporation, Newyork, 1970 pp. 300.
6. *Ibid.*
7. Albert Dinese., Peter Frued, *Great Traditions in ethics*, Words Worth publishing House, USA, 1989, pp. 329.
8. Edward Allen Kent., *Law and Philosophy, Readings in legal Philosophy*, Meridith Corporation, Newyork, 1974, pp. 464.
9. Stanley, I. Benn., *op.cit.*, pp. 301.
10. John Rawls., *A Theory of Justice*, Harward University Press, Cambridge, Massachusetts 1971, pp. 3-10.

11. Amartya Sen., *The Idea of Justice*, Harward University Press, Massachusetts, 2009, pp. 13-14
12. It not only includes laws and court procedures, but also a wide range of human activities like ritual purification, personal hygiene and mode of dress.
13. Vedas are collection of oral texts, of hymns and ritual, instructions. 'Smrithi', literally means 'as remembered, and it refers to tradition. 'Achara' means customary law. Acharas are the norms of particular community or group.
14. The daily rituals include practices about daily scarifices, the kind of food we eat and how to obtain them, and who can give and who cannot accept religious gifts. The life cycle rites are the rituals that are conducted on important events in one's life like birth, marriage and tieing of the sacred thread or Upanayana. Acharas also provide rules for duties for all the ashrama.
15. Modernity is a concept emerged during the renaissance and enlightenment period in Europe. The concept is emerged as a response to the religion centered conventionalism
16. Post-modernity is a response to modernity. In a way it is anti-modernist. However, it is also a thought system which analyses modernity and its consequences.
17. Colonial Knowledge refers to the usable knowledge that colonial rule produced in the form of reports, investigations of commissions, official proceedings, compilation, storage of documents, colonial regulations, legal codes, and, tatistical, data on finance, trade, health, demography, crime, education, transportation, agriculture and industry. All these were in the form of 'texts'. These texts were written as a part of documentation project for being transformed into tools of power and control over colonies. Bernard.S.Cohn has played a critical role in identifying and exploring the relations between colonialism and cultural transportation in the past thirty years of South Asian history. He uses the model of explanation given by French Philosopher Michael Foucault that 'knowledge is power'. It means, those, who have knowledge, have power and the people who have power produce knowledge. He calls this process as State building Through Documentation.
18. Walhouse. M.J., "*On Behalf of the Bhutas-Devil and Ghost worship in Western India*", in *journal of Great Britain and Ireland*, Vol-V Dec 14, 1875, London.
19. Burnel A.C., *The Devil Worship of Tuluvas*, Published by R.C. Temple in Indian Antiquary, Vol. XXIII, XXIV, XXV, XXVI (1894-1923)
20. Mannar A., *Paddanolu*, Mangalore, 1886 .

21. Nationalist historians like Rajendra Lal Mitra, R.G.Bhandarkar, R.K Mukharjee, K.P Jayaswal rejected the arguments of colonial historians and emotionally declared that ancient Indians had the sense of history.
22. Sheenappa Hegde., *Dakshina Kannada Zilleya Charithre Mattu Bhutala Pandyaraya Aliyakattu*, Gurupura, 1915.
23. N.S. Kelle., Sheenappa Hegde, *Pracheena Tulunadu*, Mangalore, 1954.
24. When Sheenappa Hegde wrote *Pracheena Tulunadu* other works on the history of Tulunadu by Ganapathi Rao Aigal, Govinda Pai, B.A.Saletore had been published, but Sheenappa Hegde doesnot refer to any of them. Hence these works donot seem to have any influence on his works.
25. Ganapathi Rao Igal., *Dakshina Kannada Jilleya Pracheena Ithihasa*, Mangalore, 1923, Udupi 2004.
26. Krishna Bhat., Muralidhara Upadhya (ed) ,*Govinda Pai Samshodana Samputa*, Udupi, 1995.
27. Saletore. B.A., *Ancient Karnataka, Vol-I : History of Tuluva*, Poona, 1936.
28. _____., *Social and Political Life in the Vijayanagar Empire*, Madras, 1934.
29. _____., *Karnataka Trans – Oceanic Contact*, Dharward, 1956.
30. _____., *Attavara Daivongalu*, Mangalore, 1924.
31. Keshava Kudva, Karkala, *Dakshina Kannada Zilleya Ithihasa (Tuluva Charithre)* ,Karkala, 1948.
32. Ramesh K.V., *A History of South Kanara*, Karnataka University, Dharwar, 1970
33. _____., *Tulunadina Ithihasa*, Udupi, 1969.
34. Ramesh K.V., M.J. Sharma, *Tulunadina Arasumanethanagalu*, Ujire, 1985.
35. _____., *Tulunadina Shasanagalu*, Udupi, 1969..
36. Gururaja Bhat P., *Studies in Tuluva History and Culture*, Udupi, 1975.
37. _____., *Tulunadu*, Udupi, 1963, reprint, 2009.
38. _____., *Antiquities of South Kanara*, Kallianpur 1969.
39. _____., *Tulunadina Ithihasadalli Barkuru*, Bangalore, 1972.
40. Suryanath Kamath.U., *Tuluva in Vijayanagara Times* ,Bombay, 1965.
41. Vasantha Madhava K.G., *A Political History of South Kanara (1565-1763)*, Dharwad, 1976.
42. _____., *Religions in Coastal Karnataka (1500-1763)*, Delhi 1985.
43. _____., *Western Karnataka, Its Agrarian Relations*, Delhi, 1991.
44. _____., *Barkur : A Metropolitan City of Antiquity, Its History and Culture* Mysore, 1984.

45. Narasimhamurthy P.N., *Jainism is Canara Coast*, Mysore, 1984.
46. Karunakar.H.R., *Socio-economic conditions in South Kanara*, Unpublished Ph.d thesis, Mysore, 1985.
47. Shyam Bhat N., *South Kanara : A Study in Colonial Administration and Regional response*, Mangalore University 1989.
48. Shyam Bhat N., *Judiciary and Police in Early Colonial South Kanara*, Delhi, 2001.
49. Peter Wilson Prabhakar., *Basel Mission in South Kanara*, Unpublished Ph.d thesis, Mangalore University, 1989.
50. Malathi K. Moorthy., *Trade in Colonial South Kanara*, Unpublished Ph.d thesis, Mangalore University, 1992.
51. Jagadish Shetty, B., *The Agro Economic relations and Social structure in Dakshina Kannada A.D 1000-1600*, Unpublished Ph.d thesis, Mangalore University 1992.
52. Jayaraj, N., *Society and Justice in Pre-Colonial South Kanara*, Unpublished P.hd thesis, Mangalore University, 2012.
53. Shaila T. Varma U., *Tulunadina Shasanagala Samskrithika Adyayana*, Bangalore, 2002.
54. S.D. Shetty., *Tulunadina Jaina Dharma, Ondu Sanskrithika Adyayana*, Udupi, 2002.
55. Mohanakrishna Ra.i, *Urbanization in Mangalore : A Colonial Experience*, Mangalore University 2003.
56. Umanath.Shenoy V., *Region and Religion – Dharmasthala A Study* ,Mysore University 2004.
57. Mohanakrishna Rai.K., *Tulu Samskrithi Chaturmukhi Adyayana*, Hampi, 1999.
58. _____., *Tulunadu Kannada Nudi*, Hampi, 2012.
59. _____., *Tulunada Siri ;Baduku Horatada Kathana*, Hampi, 2010.
60. Surendra Rao B., *Bunts in History and Culture* Udupi, 2010.
61. Amrutha Someshwara., *Avilu, Puttur*, 1978.
62. _____., *Tulu Baduku.*, Kotekar, 1984
63. _____., *Tulu Paddana Samputa (Ed)*, Hampi, 1997.
64. Viveka Rai, B.A., *Anvayika Janapada*, Mangalagangothri, 1985.
65. _____., *Tuluva Adyayana : Kelavu Vicharagalu*, Mangalore, 1980.
66. _____., *Tulu Janapada Sahithya*, Bangalore, 1985.

67. Chinnappa Gowda K., *Bhutaradane-Janapadeeya Adyayana*, Mangalagangothri, 1990.
68. Abhaya Kumar K., *Mugeraru-Jananga, Janapada Adyayana*, Bangalore, 1997.
69. Ramakrishna Achar P., *Nalike Janangada Kunithagalu – Ondu Adhyayana*, Mangalore University, 1995.
70. Sundar Nayak., *Karavali Karnatakada Marati Jananga : Parampare Mattu Adhunikathe*, Bangalore, 2008.
71. Panduranga D.R., *Dakshina Kannada Jilleya Bairaru; Sanskrithika, Sahityika Adyayana*, Udupi, 1990.
72. Ajith Kumar., *Udupi Talukina Janapada Nyaya Paddathi*, Unpublished M.Phil Dissertation, Mangalore University, 1992.
73. Purushothama Bilimale., *Karavali Janapada*, Mangalagangothri, 1990.
74. _____., *Koragara Sanskrithi*, Bangalore, 1992.
75. Vamana Nandavara., *Koti Chennaya – Ondu Janapada Adhyayana*, Mangalore, 2001.
76. Ashoka Alva K., *Tulunadina Prani Janapada*, Mangalore University, 1989.
77. Gayathri Navada., *Virachane*, Koteshwara, 1997.
78. Upadhyaya U.P(Ed)., *Coastal Karnataka, Udupi*, 1996.
79. Viveka Rai, Rajashri., Yadupathi Gowda, *Puttu Balakeya Paddanagalu*, Mangalagangothri, 2004.
80. Purushothama Bilimale., *Karavali Koodukattu*, Malladi Halli, 1997.
81. Ramakrishna Achar P., *Janapada Minadana*, Puttur, 1997.
82. Gayathri Navada., *Karavali Sahithyadalli Strivadi Nelegalu*, Udupi, 1999.
83. Damodhara Kalmadi., *Koti Chennaya Paddana Samputa*, Bangalore, 2002.
84. Peter J. Claus., *Tuluva Darshana*, Translated by A.V. Navada & Subaschandra, Kundapura, 1997.
85. Vadiraja Bhatta K., *Paddanagalu*, Kinnigoli, 1974.

Chapter 2

Antiquity, Land And Its People

Antiquity, Its Land and Tradition

Antiquity

Attempts have been made and still being made in every nation of the world to have the greatest antiquity to their history. Every community in a nation exhibits its eagerness in claiming its lion share in the history. Though the desire to have an efficient history seems to be a practical proposition, but it is a curious, uncertain and bumpy voyage. But history has its myriad ways teasing its aspirants. Their quest for anchor and certainty is abetted or frustrated by the nature of sources and by the quest is made.¹ Each community or country wants to have an intoxicating antiquity, because there is an illusion that without antiquity the history is useless. It is like a vendor of antique objects proclaiming imaginary antiquity to his wares and trying to raise their price superficially to the highest possible limit. Attempt to get antiquity to history is a way of burnishing and embellishing the self image, and looking for legitimacy.² Not only in India but also in Tulunadu many such attempts to claim antiquity to history have been made.

When Tulunadu is described in the historical context, its frontiers are identified from four criteria. They are *geographical*, *puranic*, *linguistic* and *political* frontiers. Geographically Tulunadu is bounded by the Arabian Sea in the west, the Western Ghats in the east, the Uttara Kannada district in the north, and the Malabar region in the south. Generally, the geographical frontiers of Tulunadu always remained the same, but linguistically Tulunadu extended even beyond the region, where language-species lived. If ancient Tulunadu is identified on the basis of language the pre-division Dakshina Kannada district would not come under Tulunadu. If the language spoken in the region is considered the limits of Tulunadu, it should be fixed as Chandragiri or Payaswini river in Kasaragod to Swarna river in Kallianpur of Udupi. So language cannot be taken as firm basis for the identification of the frontiers of Tulunadu.³

Tulunadu, as mentioned in the local puranas, had large territory. Puranas like *Sahyadri Khanda*, *Gramapaddati*, *Konkanotpati*, *Keralotpathi* give varying details about the borders of Tulunadu. *Skandapurana* establishes the antiquity of Tulunadu by associating it with the episode of Parashurama Srishthi. According to that view, Tulunadu is included in one of the seven Konkana (saptha konkanas) regions created by Parashurama. Aluva, one of the regions among the seven Konkans is identified as Tulunadu. Infact, the region

is believed to have thirty gramas or villages.⁴ According to *Keralotpati*, the northern part of Kerala is Tulunadu. As, in the north beyond the river Payaswini was under the rule Tuluva kings and the language of communication was Tulu, it was called Tulunadu.⁵

Politically, the border lines of Tulunadu have been continuously varying. Hence it is very difficult to establish them. At one stage of history, Tulunadu had extended up to the Kavaï river region in UttaraKannada district. Not only that, during the period of Alupa kings Kadamba Mandala and Hombuchcha regions were under the jurisdiction of Tulunadu.⁶

As a matter of fact, the origin of the word *Tulu* and its meaning have not been firmly explained or defined till to date. According to M.Govinda Pai, it might have come from the word *tulai*, which means “to row”, “to ply with waters”. He argues that this might have been associated with the many fishermen in the region.⁷ Sediypu Krishna Bhat supports this view point, because the word *Tulu* means “full of water⁸”. On the other hand historian B.A Saletore writes that the word *Tulu* might have originated from the Kannada term *Tuul*, which refers to the martial qualities of the Tuluva people⁹. If we examine the nature of the soil, rainfall, and flowing rivers of the region, *water* definitely had a place of importance and it is perhaps forced scholars to associate the word *Tulu* with something connected with water.

Moreover, the antiquity of any region should be based on the availability of appropriate sources. It is generally believed that historically the antiquity of Tulunadu can be traced to the Mauryan rule. The major evidence for this view is the edicts of emperor Ashoka. The early scholars who, studied about Tulunadu like M. Govinda Pai, Ganapathi Rao Aigal, B.A.Saletore, P.Gururaja Bhat, K.V.Ramesh and others have associated the word, *Sathiyaputra* mentioned in the second edict of Ashoka with Tulunadu. And they have tried to trace the history of Tulunadu to the second century B.C. But no supporting edicts have been discovered in Tulunadu, which help us to identify the *Sathiyaputras* of Ashokan edicts. Instead, a Tamil Brahmi inscription of first century A.D discovered at a place called Jambai in Dharmapuri district of Tamilnadu, identified Adiyaman of Tagadur as Sathiyaputra. Hence it is believed to have been proved that, the *Sathiyaputra* mentioned by Ashoka is Adiyamans¹⁰. So there is no conclusive evidence to support that *Sathiyaputra* and Tulunadu have some connections.

Scholars like K.V Ramesh locate, the earlier mention of the word *Tulunadu* in the Sangam Literature of Tamilnadu. They also associate *Koshar* dynasty mentioned in the Sangam Literature with Tulunadu. K.V.Ramesh has identified Koshars and Vadugas or Vatukas with Tulunadu and by this argument he asserts that Moriyas are Mauryas of Konkana and not the Mauryas of North¹¹. But Surendra Rao argues that this is just a matter of conjecture and not a conclusion based on reliable evidence. So there is no proper support to connect the *Koshar* dynasty with Tulunadu¹².

M. Ganapathi Rao Aigal refers to the episode of Bhutala Pandya in his book as a proof for the antiquity of Tulunadu.¹³ Aigal connects the Bhutala Pandya episode with the existence of Jainism in this region. He traces the origin of the matriarchal system in Tulunadu to Deva Pandya of Pandya family. According to Aigal, Deva Pandya made Barkur his administrative centre and went on sea voyage to the west for the sake of handsome business. The demon Kundodara obstructs the sea voyage till his demand for a human sacrifice is met. Deva Pandya's wife refuses to oblige the demand of the demon but his sister agrees to give her son for sacrifice. At that time the demon Kundodara pleased and releases the ship, enabling it to sail further.

Satiated by this gesture of his sister, Deva Pandya rules that, there after the right of inheriting his property should go not to his own sons, but the sons of his sister. This makes his nephew Jaya Pandya the king of Barkuru and he was renamed as Bhutala Pandya. This Bhutala Pandya is believed to be ruled Barkur from 78A.D to 343A.D, according to Aigal¹⁴. He further writes that Deva Pandya introduced the new law of inheritance to all inhabitants of his kingdom except the Brahmins. He brought in this reform also in Kerala through his friend Cheraman Perumal¹⁵.

Writing a scholarly foreward, to the new edition to the *Dakshina Kannada Jilleya Pracheena Ithihasa* of Ganapathi Rao Aigal, K.V.Ramesh says, *to re-affirm the historical truth of the Bhutala Pandya episode today, would not mean more than acknowledging Aigal's intense love for his research and interpretation*¹⁶. According to him, there was no doubt that there were close and brisk trade contacts between the westcoast of India and coast of Egypt. This has been established by the Ganiza manuscripts of Kairo, the documents relating to Roman trade, the existence of Chinese pottery and the archaeological evidences obtained through excavations in Pattanam

carried out by the Kerala Historical Research Foundation. But they donot support the antiquity of Tulunadu, supposed to be established by the Bhutala Pandya episode¹⁷.

In this regard, Surendra Rao also argues that, these references in themselves donot endorse the story of Bhutala Pandya relating to a sea trade with elements of historical verocity¹⁸. This is not as if we should be habitually suspicious of Indian traditions. Even when it is considered to be a part of belief system and tradition, there is no means to establish its verocity. Therefore, it is better not to project them as evidences of history¹⁹. Infact, the story surfaced in the middle of the nineteenth century in a Kannada pamphlet when judiciary had to grapple with the question and scope of 'customary law'²⁰. The pamphlet was seen as a work of forgery not only by the British scholars but also by critical and patriotic Indian scholar like M.Govinda Pai. Internal evidence also seems to be out of tune with the historical sense it strains to exude²¹. K.V.Ramesh also advocated how the well-designed chronology and geneology of Bhutala Pandya dynasty of Barkur have no firm historical foundation²². To be true to facts, Deva Pandya, who is supposed to have lived in the first century A.D is most unlikely to have requested his friend Cheraman Perumal to introduce the new inheritance law in Kerala state. Because it is not easy to establish that Deva Pandya and his friend Perumal were contemporaries²³. Hence, the story of Bhutala Pandya, instead of providing a historical evidence for the antiquity of Tulunadu, it invites more questions and doubts.

The first part of *Gramapaddathi* contains the story of the creation of land scape called Parashurama Sristi. The second and third part explains the details of royal families and thirty two villages respectively. There are mentions of the kings like Mayuravarma, Chandragada, Lokaditya, Chandasena etc., and a local tribal Koraga leader called Hubashika. The two events described in the second part, relate to the decision taken by Mayuravarma to bring brahmins from Ahichchatra and opposition to this decision by the local brahmins and the local chief Hubashika²⁴. Mayuravarma succeeds in persuading the local brahmins to accept his decision but has to suppress the opposition of Hubashika. But Hubashika continued his protest against the brahmins of Ahichchatra and drove them back to Ahichchatra and defeated Lokaditya. Finally, with the help of Chandasena of Gokarna, Lokaditya defeated and killed Hubashika. Later, the brahmins of Ahichchatra returned to Tulunadu²⁵.

In this regard, Mohanakrishna Rai opines that, *Gramapaddati* doesnot appear to be a historical evidence to prove the antiquity of Tulunadu. On the surface of it, it appears to be matter of fiction or legend in the *purana*²⁶. But the conflict referred to in the story is very close to the truth. He further argues that the protest by the Koragas, who are considered to be the aborigins of Tulunadu, against the brahmins from outside, was a cultural conflict.²⁷ Because *puranas* and legends do have specific objectives for their creation. In the Indian context *puranas* do have an important role in writing the history of our country. According to the well-known thinker Rahamat Tarikere, in India, *puranas* can turn into histories or history can get the shape of *puranas* and *puranas* are capable of imparting deep rooted beliefs in the minds of the people. In a country like India, where there is an awareness of people oriented history and firm religious belief, this attempt is always very effective²⁸.

As far as antiquity is concerned the history of Tulunadu is divided into two parts. They are pre-historical and historical Tulunadu. Many evidences relating to pre-historical Tulunadu have been brought to light by archaeologists like A. Sundara, P.Rajendran, Vasantha Shetty, P.N.Narasimha Murthy and others.²⁹ There by, they tried to carry the antiquity of Tulunadu to the stone age. According to Purushothama Bilimale, the references made by Ptolmy regarding Tulunadu, Tulu words found in the Greek comedy, the reference to Koshar race in the Sangam literature, the episode of Bhutala Pandya story are point to the existence of a community speaking the Tulu language by the end of pre-christian era and beginning of Christian era. They were spread from present Kasaragod of Kerala to the Bhatkal of Karnataka state³⁰.

Many scholars of the past like J.Brigel, R.Caldwell, L.V.Ramaswamy Iyer, T.Burrow, R.Emeneau paved the way for the scientific study of Tulu language and D.N.Shanker Bhat's thesis *A Descriprictive Analysis of Tulu* published on 1967 was the first thesis published on Tulu. The linguistic study of Tulu developed since that period in both Indian and western universities and many research papers and theses appeared during the following period. Tulu doesnot possess a long literary tradition of its own. The earliest piece of literature available is an inscription which is at present ascribed to the fifteenth century A.D. The inscription is written in Tulu in the so called Tulu script. The next literary works available are a couple of epic poems namely *Sri Bhagavato* and *Kaveri*, both are supposed to be belonging to the seventeenth century A.D. Another couple of ancient Tulu works have also been discovered. *Devi Mahatme*, a prose work is one

among them. All these works are written in the so called Tulu script. After these literary works, with a gap of few centuries in between, the renaissance of Tulu literature started in the first half of the 19th century as a result of the efforts initiated by German Missionaries. P.Vishnu Bhat has considered the script found in Tulunadu and Kerala regions as Tulu-Malayalam script. He has identified ancient books of this script and they are *Sri Bhagavatho*, *Kaveri*, *Devimahatme*, and *Mahabharatho*.³¹ Thus, many attempts have been made to establish the antiquity of Tulunadu. But the conclusion that these attempts have lead to us that we donot know about the antiquity of Tulunadu with any definiteness. But it doesnot mean that Tulunadu is not an ancient geographical and linguistic entity. Lack of reliable evidences is the major hindrance of this uncertainty. To keep history alive we have to go on exploring the origin.

Inspite of all the above discussions as mentioned earlier, it is generally accepted that the political antiquity of Tulunadu begins with the Mauryans. The main source of this understanding is the availability of Ashokan edicts. But there are no clear evidences about the rule of Satavahans, the successors of Mauryans, in Tulunadu. It is important to note that the major dynasty which ruled Tulunadu for more than thousand years were Alupas. They were the feudatories of the important sovereigns of Karnataka like Kadambas, Chalukyas, Rashtrakutas, Hoysalas, and Vijayanagar rulers. Sometimes Alupas ruled independently. The region governed by Alupas has been called Alvakheda 6000³². During the period of Badami Chalukyas, who succeeded Kadambas of Banavasi, Alupas became politically stronger and more stable.³³ The relationship between Rashtrakutas and Alupas was not very co-ordial³⁴. Alupas were in hostility also with Hoysalas in the beginning. When Alupa princess Chikkayithayi was married to Hoysala king Ballala III, the hostilities ended and co-ordiality was established³⁵.

Many local dynasties have ruled Tulunadu in different stages of history. Alupas were most prominent among them, the other dynasties were: Saluvas of Gerusoppe and Haduvalli, Bhaira kings of Kalasa-Karkala, Ajilas of Venur, Choutas of Puttige and Mudabidire, Tolahas of Suralu, Savanthas of Mulky, Honnekambali kings of Hosangadi, Bangas of Bangadi, and Domba Heggade kings of Vitla. When we study the history of Tulunadu during the Vijayanagara period details about the reign of the local dynasties as mentioned above are obtained. Vijayanagara rulers had divided Tulunadu into two provinces like Mangaloru Rajya and Barakuru Rajya. After the fall of Vijayanagara, Tulunadu came under the direct rule of Nayakas of Keladi. When Mysore king Hyder Ali

captured Keladi, all regions governed by Keladi rulers including Tulunadu came under his control. The local rulers of Tulunadu have tried their level maximum to assert their independence after the demise of Hyder in 1782 A.D. But Tippu who, succeeded Hyder, did not allow it to happen. Then onwards Tulunadu became the stage for the conflicts between Tippu and the British, who were just gaining their ground in the coastal region³⁶.

With the fall of Tippu in 1799 A.D Tulunadu was come under the direct control of the British. Keeping the commercial and administrative interests in mind they redefined the borders of Tulunadu. After the fall of Tippu, the British carved out the Canara province on the west coast. It consisted of, the regions of the present districts like pre-division Dakshina Kannada, Kasaragod, and North Kannada district. This province was under the jurisdiction of Madras Presidency and Sir Thomas Munro was appointed as the first collector. In 1800 A.D, Canara province was divided into two districts. They were South canara and Northcanara districts. Two collectors were appointed to these two divisions. Honnavar and Mangalore became the head quarters to North and Southcanara respectively. In 1817A.D, Canara province was again come under the single collector. But the last division of Canara during the colonial period attached Northcanara to Bombay Presidency and Southcanara became a part of Madras Presidency. But Kundapur of Northcanara district joined to the fold of Southcanara district.

The history of Tulunadu is also the history of Dakshina Kannada district. In some taluks of this district there are no *tulu* speaking people, but they belong to the same adminstrstive unit. In 1998 A.D, Dakshina Kannada district was further divided into Dakshina Kannada and Udupi districts. But inspite of all these changes Tulunadu has retained unique socio-religious and cultural entity³⁷.

Land, Water and Natural Resources

Geography doesnot mean just outward features of the surface of the land and weather. It includes the various aspects of the cultural politics seeking place incessantly in the human environment. As man goes on become more and more scientific and modern in his course of development, his nature of relationship with geography also goes on changing. Tulunadu is recognised as a unique geographical, political, cultural and linguistic entity not only in Karnataka but also in the whole of India. Though Tulunadu

spread administratively between Kerala and Karnataka, it is a single cultural and geographical unit.

Tulunadu abounding in thick forests, bog hills, and mountains and greenery has excellent geographical magnificence. If we consider the longitude and latitudes of Tulunadu or Dakshina Kannada, it is located between $12^{\circ}4'15''$ and $13^{\circ}58'30''$ north latitude and $74^{\circ}44'26''$ and $75^{\circ}44'31''$ east longitude³⁸. It is broken, low plateau or table land, which spreads from the foot of Western Ghats of Mysore and Coorg to the sea. It also forms a long and narrow strip of country, cutting off the semi independent state of Mysore from all communication with the coast. During the British rule, a few of the northern most islands of the Laccadive group, known as the Amindivis are also attached to the district³⁹. It is 150 miles in length, about 25 miles broad in its narrowest and 50 miles in its widest part⁴⁰.

The Arabian Sea on the west coast has become a blessing to Tulunadu. This enabled the birth of many harbours. From north to south the important harbours are Bhatkal, Kundapur, Kallianpur, Brahmawar, Malpe, Udupi, Kaup, Mulky, Mangalore, Ullal, Manjeshwar, Kumble, Kasargod, and so on. They have greatly influenced the economic and commercial activities of Tulunadu. They are greatly responsible for Tulunadu being recognised as a centre of trade with foreign countries and is therefore known internationally.⁴¹ Among the harbour towns, Mangalore has been the most important centre of commercial activities. Since Mangalore was the economic capital of Tulunadu, it has become centre of attraction not only indigenous rulers but also to foreigners. From this background Mangalore has been called 'window to the west'⁴².

Broadly speaking, the eastern boundary of Tulunadu is either watershed or scarp edge of the Western Ghats. Its peaks vary from 3000 to 6000 feet in height. But the general height of the range is 2000 and 3000 feet towards the north and south respectively. In the northern parts of the range on its western side, assumes, the form of precipitous cliffs as far as the Bangadi valley to the east of the Kudremukh, the highest peak of the range. It is also known as the sanitorium of the district. But to the south of this, where the range is farther from the sea, it has more of the character of parallel ridges intersected by the deep valleys from which the most important rivers take their birth⁴³. The Western Ghats are not just a natural boundary on the east of Tulunadu, but are recognised as special from the points of political and economic activities, social organization and religious

performances. The Ghats are a region of great diversity in flora and fauna. They have led to rise of many royal dynasties and have given protection to the rulers in critical junctures. They have played a great role in shaping the culture of Tulunadu and state building of Karnataka⁴⁴. Valuable timber, medicinal and herbal plants are plentiful in this mountain ranges⁴⁵. The chief mountains lining these Ghats are Kudremukh, Kumara Parvatha, Kodachadri, Ballalaraya Durga, and Valikunja etc.

The rivers of Tulunadu necessarily run from east to west. Since no river takes its rise as much as twenty miles beyond the peaks of Western Ghats, they are no where more than 50 miles from the sea. The course of the longest river is considerably 100 miles⁴⁶. With the heavy rain fall of the south-west monsoon and the broken nature of the region, the rivers and streams are innumerable here. The volume of water is very high at times, but the current is then rapid and the circumstances generally are unfavourable to their use as a means of communications.⁴⁷ In the dry weather, owing to the rocky character of their beds, the rivers are not usually navigable for many miles above the reach of tidal influence. Within these limits, however, they are very extensively used for bringing produce to the coast ports and towns⁴⁸.

The six principal rivers of Tulunadu are Nethravathi, the Gurpur river, the Gangolli river, the Chandragiri or Payaswini river, the Sitanadi and Swarna river. Usually, each river flowing in Tulunadu has legends to explain their origin and has been recognised from the vedic background. Besides that, they are culturally very close to the Tuluva people⁴⁹. There are temples in the vicinity of each river and these temples have given special religious significance to these rivers.⁵⁰ Even during the rule of pre-colonial kings and colonial masters these rivers played a major role in prospering the trade and commerce of the region. Nethravathi, being the chief river of Tulunadu, has helped the growth of Mangalore from being a town into being a city with the status of a Corporation.

Tulunadu is essentially a forest district. The slopes of the Western Ghats from north to south are covered with dense forest of magnificent timber and the forest growth facilitated the heavy rain fall. It approaches within the few miles of the coast to the north of Kundapur Taluk and again in the southern areas of the Kasaragod Taluk. Generally the heavy forest begins from twenty to thirty miles from the coast, but to the south of Mangalore Taluk and north of Kasaragod Taluk it receds farther inland.⁵¹ The forest of

Tulunadu are both evergreen and deciduous. The notable trees are Poonspar, Kiralboghi, Teak, Blackwood, Banyan tree, Jack, Wild Jack, Indian beech, Kino tree and so on⁵².

The roads of Tulunadu have played a stupendous role in the evolution of Tulu culture. Communication and transport between Tulunadu and other regions of Karnataka has been made possible by roads across the Western Ghats. This is maintained by means seven well traced roads through the passes in the Western Ghats. The roads along the natural passes across the Western Ghats found some improvement during the British regime. In the pre - British period these roads were used only for the movement of bullock carts. There were separate pedestrian routes for the pedestrians⁵³. The main roads that connected Tulunadu and Coorg or Mysore region were Charmadi, Agumbe, Shiradi, Hosangadi, Bisile, and Shishila⁵⁴. Among the roads that provided contact for Tulunadu through north canara district, with other parts of Karnataka are the roads along the following passes across the Western Ghats; Mavinagundi, Anasi, Devimane, Arabail, Malimane etc. Roads that were developed during the British rule and established contact with Tulunadu were Agumbe, Charmadi, Shiradi, and Sampaje.⁵⁵ In the post-colonial period these roads saw further improvement. These roads not only brought some positive changes in the lives of primitive and tribal communities but also introduced them to the modern world. Transport and conveyance facilities have played an important role in bringing about changes in life style of the people of Tulunadu. So roads in the Western Ghats should be considered from this point of view. Though the geographical features of Tulunadu characterized by a great deal of diversity, they have been changing continuously and considerably

Social and Cultural Traditions

India is a land of multifarious cultural entity. Religion has played a unique role in shaping the culture of India. This applies to the culture of Karnataka and Tulunadu also. The religious outlook of a man is an important factor for the differences and diversities of his life. In other words, the way in which he analyses life is decided by his religious or spiritual leanings. The way in which he looks upon culture, interprets and analyses culture is governed by religious terminology. It would not be possible to understand the social traditions of any region in an absolutely secular atmosphere. Tulunadu is not an exception for this.

When we look at the social tradition of Tulunadu, we cannot ignore the existence of the aboriginals like Koragas, Pambadas, Paravas, Nalikes, Malekudiyas and so on. They are not only the kinship related aboriginals of Tulunadu but also a part of the larger community of the region. Infact in India and Tulunadu, one can find both caste based and kinship societies. There fore, the social tradition of Tulunadu has to be seen against this back ground⁵⁶. Anthropological studies were first started in India and Tulunadu by the colonial rulers. But colonial scholars are not able to distinguish between caste based and kinship or tribal societies. As a matter of fact, kinship related tribal societies and caste based societies have different systems of familial structure⁵⁷. In the tribal societies blood relatives only participate in the productive activities. The Mailas, Koragas, Meras, and Malekudiyas etc., have such social tradition⁵⁸. Among these communities marriage and blood relationship decide the social system and organization. Caste based society is different from kinship society, but many characteristics of the kinship society are present in the caste based society too. In kinship society the labour of the woman is valued and recognised, but in the caste society she has no such privilege⁵⁹.

As mentioned above the features of both caste and kinship societies are found in the social tradition of Tulunadu. But in modern days as in India, many tribal communities of Tulunadu are changing into caste societies. In this process of transition, both elements of tribal culture and caste society features get mingled. The influence of modern or higher culture is also responsible for tribes loosing their original identity.⁶⁰ As mentioned earlier Koragas are the original inhabitants of Tulunadu. Many scholarly studies have considered Koragas as the original inhabitants of Tulunadu. Several legends also recognise Koragas as the original inhabitants in the social tradition of Tulunadu. Renowned scholar, Purushothama Bilimale cites several such legends⁶¹. These legends symbolize the prosperity and downfall of the Koragas. The essence of all the legends is the same. Infact such stories are also found in the brahmanical puranas. According to Keshavan Valuthat, *these accounts find expression, curiously not only in the traditions of the Koragas themselves, but also of the brahmanas. There are of course, some variations in the two versions as also there are local variations among the traditions cherished by the Koragas themselves*⁶². In the legendary accounts of Koragas their leader Hubashika is hero, but in the brahmanical tradition of *Gramapaddathi*, he is potrayed as villain. *Gramapaddati* gives an account of the several challenges faced by Brahmin groups in Tulunadu, where as Koraga stories suggest the background of the decline of the Koraga

community. As a matter of fact, these accounts symbolise a cultural confrontation between the aboriginals and outsiders to achieve dominance in Tulu Nadu, as mentioned in the earlier pages.

It cannot be wholly accepted that the *chaturvarna* system of vedic tradition was in existence in Tulu Nadu. But the social and religious tradition of the region strongly influenced by this. The philosophical and social framework of the Tulus are based on these old religious practices. Different languages, religions, political systems, traditions characterized the culture of Tulu Nadu from the time immemorial.

It is also generally believed that the Buddhism and Jainism influenced the tradition of Tulu Nadu in the beginning of the Christian era. Both of these belong to the *śrāvāna* tradition of North India. Emerging from the religious exigencies of those days, they attracted the attention of the common people, especially the lower section of the society. As they came to Karnataka and stepped into the soil of Tulu Nadu, local people must have been deeply drawn to them. According to the Kannada Encyclopaedia published by Mysore University, after converting to Buddhism, the Mauryan emperor Ashoka sent a Buddhist monk by name Rakshitha to Banavasi for spreading the gospel of his new religion. It is said that 60000 people accepted Buddhism and 37000 of them became Buddhist monks. Rakshitha himself built 500 Buddhist monasteries⁶³. It may be a simple statement, but reflects the way people were responding to the new religious traditions.

Like Buddhism, Jainism also played an important role in shaping the tradition of Tulu Nadu. Jainism might have come to Tulu Nadu even before the beginning of Kadamba rule⁶⁴. The reference to Jainism confirmed by following factors. They are scriptification of Jain's sacred book 'Dhavalā', the reference to the Jaina Kella kings in the Halmidi inscription, the support given by ancient Alupa kings for the stabilization of Jainism and so on.⁶⁵

As stated earlier there is paucity of evidences to assess the influence of the Aryan culture in Tulu Nadu. The Satavahans, who ruled in the first century B.C were brahmins. Their empire extended upto Banavasi. *Gramapaddathi* refers to the existence of numerous Aryan settlements in Banavasi during the rule of Kadambas.⁶⁶

The Alupas, who ruled Tulunadu for a long period were the followers of Saiva faith. And this sect must have come here more or less in the pre-Christian era. Though Saivists, Alupas gave patronage to both Buddhism and Jainism. The main evidences in support of their patronage are, the Kadarika Vihara in Mangalore, the bronze statues of Avalokitheshwara, Buddha and Manjushree. Especially the nine line inscription found on the pedestal of Avalokitheshwara mentions the important event of installing the Lokeshwara statue in Kadarika Vihara in the year 968 A.D by Alupa king Kundavarma.⁶⁷

The Natha sect is another important religion, which is found in the social and religious traditions of Tulunadu. Infact, it is a tantric sect that came as an offshoot of Vajrayana, which in turn was an offshoot of Mahayana sect of Buddhism. Later it is converted as the tantric sect of Saivism. Navanathas and Chaurasi Siddhas are said to be the originators of this sect⁶⁸. In Kadri of Mangalore Taluk and Vitla of Bantwal Taluk, there are members of the Jogi community, who follow the tenets of the Natha sect.

Later, Buddha got identified with Saiva Lokeshwara and became Trilokeshwara. Manjushree got renamed as Brahma and Buddha became Vyasa. Buddhist monasteries became Saiva temples. The shrines of Tarabhagavathi became temples of goddess Durga. It should be noted that many Saiva and Durga temples found in Tulunadu are in *Gajaprasthakara* style (Elephants buttock shape), which is typical of Buddhist architecture⁶⁹.

In Tulunadu, Vaishnavites believe that, Buddha is one of the incarnations of Lord Vishnu. The major evidences support this belief are, the name of Goddess Vindhyavasini mentioned in the ancient Belman inscription, Mangaladevi temple of Mangalore and Rajarajeshwari temple at Polali. Scholars now believe that though these centres are the places of Saiva-Shakta worship, originally they might have been Buddhist centres.⁷⁰

Among the other religious groups in the tradition of Tulunadu the prominent are Adwaitha, Dwaitha of vedic tradition and Veerasaiva faith of Saiva tradition. They came into vogue in Tulunadu after twelfth century A.D. The Adwaitha Matha was founded in Sringeri by Shankaracharya. The Guru or Swami of the Matha came to be known as Jagadguru and a group of brahmins following different tenets of vedanta came to light.⁷¹

By thirteenth century the dwaitha philosophy propagating the supremacy of Lord Vishnu was propounded by Madhwacharya, has become popular in Tulunadu. This is an amalgamation of vedic, puranic, and smartha traditions. All these practices are intended to the devotion of God and this devotion was understood as the foremost way of obtaining salvation. Eight Mathas were established in Udupi and very scholarly seers like Vadiraja spread the message of devotion far and wide. It exploded a new realisation among the mass by converting the common people like fishermen and goldsmiths into dwaitha sect. It unified all the classes of society on the basis of religious harmony making Udupi as the centre of Vaishnava faith. On this basis Suryanath Kamath's saying *Madhwa faith is a unique contribution given to India by Tulunadu*, sounds very meaningful⁷².

Both vedic and non-vedic methods of worship are prevalent in Tulunadu. Except brahmans most of all the communities of Tulunadu follow matriarchal family system. Though this system is connected with imaginary Bhutala Pandya, but the people of Tulunadu believe it to belong to the original dravidian tradition.

In the educational tradition of Tulunadu, only upper castes had the privilege of getting education. In other words the education tradition of ancient Tulunadu was influenced by the caste system. Temples, mathas, basadis were the centres of teaching and religious scriptures of the respective traditions was taught. In some religious traditions women too had the privilege of getting education of the kind they wanted⁷³. Most of the occasions the privilege of owning land was vested in the hands of the upper classes like Brahmins, Bunts, Jains etc. The lower strata of the society were denied the rights of land ownership. In spite of all these differences in the social and religious tradition of Tulunadu the social unity was the main force behind the smooth functioning of the society.

In the ancient India, the law was in a broader sense '*Dharma*' itself. We have to study the propounders of religion like Manu, Bruhaspathi, Narada, Kathyana, Yajnavalkya and Vashishta etc. who always longed for the religious pursuit in this regard. The visionaries like Gowthama, Bodhiyana propagate the postulates of Dharma. The Arthashashtra by Kautilya which was mentioned earlier, and Shukraneethi are considered to be the treatises of law that laid a strong foundation and pillars to the code of Indian law. The ancient Dharmashastra incorporated the law institutions in the names of kula, shreni, gana, dharmadhikara and mahajana etc.

As a matter of fact, there might not be any relation of Tulunadu with the above mentioned systems. But there are no accurate proofs available regarding the judiciary system of the ancient Tulunadu. Though the system influenced by the ancient Indian traditions, the native indigenous ideas were also played predominant role. In this regard, historian B.A. Saletore mentioned some similarities between ancient Tuluva judicial procedure and ancient injunctions as laid down by Kautilya.

The *Gramapaddathi* containing the history of Brahman settlements in Tulunadu, refers several aspects of the judicial system and punishments prevalent in Tulunadu. Like folk literature it is also legendary in nature and structure. Both are memories of Tuluva tradition. For researchers convenience a detailed study of the judicial aspects of *paddanas* will be taken up in the sixth chapter of this thesis. Here as a historical background the researcher has tried to mention some references found in the traditional chronicle *Gramapaddathi*. It is well known that there are different versions of this work. B.A.Saletore, mentions few aspects of judicial system and punishments of ancient Tulunadu on the basis of the Puttige version of *Gramapaddathi*.⁷⁴ The third part of *Gramapaddathi* refers to the settlement of brahmans in the thirty two *gramas*. It is possible to identify these different *gramas*. There are continuing traditions in these villages, where the Brahmin families and their continuing traditions survive to this day.⁷⁵ These thirty two *gramas* are divided into two; sixteen western *gramas* and sixteen eastern *gramas*. In the western *gramas* there were two hundred and six house-holds, and in the eastern *gramas* seventythree house-holds and between these two classifications there were twenty one *gramas* which belonged to what were called the *avantarabheda*. This term was evidently given to the secondary house-holds. Thus, in all, there were according to the Puttige version, three hundred house-holds and three hundred and twenty six according to other versions.⁷⁶

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According to B.A. Saletore, the division of the land into *gramas* together with the house-holds was one of the features of the village organisation of ancient Tulunadu. Another feature which may be noted, is the prominence which was given to usage, while the, third feature was the conduct of business in the General Assembly of the Brahmans⁷⁷. The Puttige version of *Gramapaddathi*, mentions about sixteen *maryadegalu*, which it calls *kattalegalu*. In the thirty two *gramas* the meeting point for both Saivites and Vaishnavites was Krodamandala or Shankarnarayana in the Kundapur Taluk. But according to the Mangalore version of *Gramapaddathi*, all questions relating to the sastras, mantrs, tantras, smrithisara, vedas, hypocrisy, prostitution, falsehood, dereliction of religious duties and so

on, were to be settled in the *Kuta-sthalas* or centres of assembly obviously at Kota and Anantheshwara.⁷⁸ Seven persons called *Smrithikaras* were appointed as judges to settle all cases in the thirty two *gramas*. They were Munnurayya, Alevuraya, Upparana, Kulluraya, Kalluraya, Taletaya, Udupa, Mogeraya.⁷⁹

The Puttige version gives us interesting information, the manner in which a General Assembly or *Jagatkuta* or *Kuta mahajagattu* was summoned to hear an appeal against the unjust decision given by the following judges; Anna Ugramballi, Anna Oramballi, Anna Kunja, Anna Manjanadi, Anna Mittanodi, Anna Karanta and Anna Herala.⁸⁰ In the General Assembly the representatives of the two *gramas* were to take their seat in the following manner. The representatives of the eastern *gramas* were to face westwards and sit themselves in two rows of eight each with two Ballalas on either side, the Pandits on the right side and the Sabhapathis on the left, while *Manjitya* or their spokesperson was to be seated amidst four representatives. The representatives of western *gramas* were to adopt a similar procedure but with their faces turned towards the east⁸¹.

The king called Mayuravarma was then to ask permission of the deities presiding over the eastern and western regions and take his seat on the throne with the sixty four tributary rulers on the right and left sides. The sixty four tributaries were to be seated in rows of thirty two with their face turned towards north. *Manjitya* or *Manja* was next to summon the four Ballalas, who having understood, were to communicate the case to the Pandits and the Sabhapathis, who were to explain it to the *Pakshanthas*.⁸² The *Pakshanthas* were to stand up and address themselves to the General Assembly of the wise and the General Assembly was to say “*So be it*” or to give its opinion on the case under discussion. The opinion of the General Assembly being thus told to Manja, he was to communicate it to the King, who gave his final decision

Puttige version of *Gramapaddati* also speaks about punishments given to culprits.⁸³ B.A. Saletore mentions about such three types of punishments. They were the decision of the Mulluru grama people, the punishment given to the Twenty-four Tottilu grama people and the famous Kuta-Kotisvara dispute⁸⁴.

Mulluru was one of the impure *gramas* or *paitya gramas* situated to the south of Suktamati or Gangavali river. It is also called *Moda grama*. Here were two sudra brothers Mudda and Kunda, who were wealthy and pious. Once eight brahmans belonging to thirty two *gramas*, approached these two brothers with an intention of getting wealth from them. The two

brothers donated them wealth and Brahmans blessed these two brothers and they lived for twelve years in peace. When the elder brother Mudda decided to marry a girl, he could not find people to carry his palanquin on the day of marriage to the bride's house. So he requested the same eight Brahmans to carry his palanquin to the house of his bride. They agreed for that. On the completion of marriage, Mudda gave the Brahmans various cloths, ornaments, and hundred coins. As a result the eight Brahmans were considered as sinners by the people of thirty two gramas because they had carried a palanquin of a sudra. They in a rage belaboured eight Brahmans mercilessly. Now the culprits hurried to their sudra protector, and he consoled them by promising them a gift of a grama full of cattles and other necessities. After giving this Mudda went on a pilgrimage. And Brahmans, who had been ostracized by their brethren of the thirtytwo gramas lived in their new *grama*, which they divided into eight plots among themselves. These eight Brahmans were considered to be outside the pale of friends, the guru and the family. The people of thirtytwo *gramas* condemned them as sinners. Further, they were condemned to eat the food of the sudras. Their very sight made one impure, and the atonement prescribed for the sin of looking at them was, the person who looked at them should see the bright sun for a long time and he should worship the great God Nrisimha. He who talked about them would never be able to fulfil any work.

The affairs in the Twenty-four Tottilu grama were more interesting. In the reign of a king called Chandradutta, a great car festival was held in that same grama. All the people including Sabaras attended the great festival. Some people of Ujjare grama abducted a Sabara girl, who had lost herself in the crowd and carrying her off to their village. In due course, they gave her in marriage to a Brahman youth of another village. The Sabara parents bemoaned her loss in vain. Years passed by, and the Sabara girl bore to the brahman a girl and two boys. Once again the same wicked brahmans came to witness the car festival in that same grama, along with the sabara woman and her children. Her Sabara father and mother also came to see the same festival. On meeting her parents, the Sabari maiden cried out loudly at which her mother wept widely and her father attempted to siege her. But her Brahman husband, encouraged by his wicked friends, cried out that his wife being seduced by a Sabara. The case came up for hearing before the king, who summoned the Sabara and asked him why he had sieged the wife of a Brahman. To this he explained the whole case and swore that he would undergo any ordeal to prove his words. The king turned to the culprits and addressed them in severe terms. Frightened at this, they confessed their crime,

but begged to be forgiven. Just and generous as the king was, he caused all their belongings to be brought and had them given to the representatives of the gramas, with the order that they were to retain or abandon the goods belonging to the brahmans as they thought best. The representatives of the thirty two gramas bowed their head in shame. They met hurriedly together and decided to expel them to the outskirts of the village. They then purified the ground over which the sinners walked, with cow-dung water and performed their shradda, declaring that they should not be allowed to live any more in the thirty two gramas. The Gramapaddathi narrates that those sinners still wonder homeless, abandoned and that they are forbidden the daily rites of worship.

The Kuta-Kotisvara dispute is celebrated in the history of Tuluva. This happened in the reign of king Vasu of the Alupa family. He was celebrated for his good qualities. On the occasion there occurred a dispute between the great Kutasthas and Kotisvaras, concerning the village boundary, and the income amounting to sixteen prasthas, payable there from. The dispute dragged on for some time after which it was placed before the king. Notwithstanding the wily importunities of the Kotisvaras, the learned king who was proficient in state policy, after due deliberation addressed the assembly in the following manner; *We shall pray to the goddess Kasyapi. She will decide the proper from improper. Wheresoever there is sin, there you will burn.* Then having ordered his officers to summon at once the representatives of the thirty two gramas, who were exceedingly wealthy, respectful and worthy of being honoured, the king said to them that tomorrow it shall be decided.

That very night some cunning Kotisvaras came to the village boundary, quickly dug a pit, and hide a wretched man in it and covering him with earth before down returned to their houses pretending innocence. Next morning the representatives of the thirty two gramas went to the king and blessing him, requested him to come to the boundary line. Surrounded by brahmans learned in the tantras, the king went to the boundary of the village accompanied by auspicious music and with materials for worship. All the people including the Kotisvaras were present on the occasion. The king worshipped the earth at the stipulated place in the customary manner and prayed to the goddess earth to pronounce, whether this holy region belongs to Kuta-sthala or Kotisvara. At that time, the unfortunate man in the pit intending to bring ruin on himself as well on the Kotisvaras, cried loudly, that this region belongs to Kotisvaras. The Kotisvaras were jubilant but from the heavens came a voice of the goddess, in friendship to her husband, the god Kotisvara and afraid of the sin committed by the people. It was the voice of the goddess Bharati, who making herself visible said that

this speech doesnot belong to the earth, it is the human being. The Kotisvaras are deceivers and wicked.

The goddess, who is now called abahagavathi, then vanished leaving the king Vasu surprised and stupefied. For in the pit which opened before his eyes, was the body of a man turned into a mass of flesh full of worms. The king was deeply moved, but recovering himself ordered the confiscation of the property of the culprits, which he handed over to the representatives of the gramas. Then the representatives of thirty two gramas decided that as the culprits had lied and had there by become polluted, homeless, disrespectful and devoid of their daily rites, they were not entitled to the benefits of marriage and other social functions in the community. Thus, Kotishvaras were denied the previleges of society .

B.A.Saletore argues that, bearing the reference to the goddess earth, the procedure in the above case is strikingly similar to the one mentioned by Kautilya in his Arthasastra⁸⁵. The general conformity of Tuluva judicial procedure to the ancient injunctions as laid down by Kautilya permit us to dwell at some length on the rules enunciated by that law giver. Saletore also mentions the following in Arthasastra concerning boundary disputes.⁸⁶ *In all disputes regarding the boundary between any two villages, neighbours or elders of five or ten villages, shall investigate the case on the evidence to be furnished from natural or artificial boundary marks.* In this detail, the Tuluva procedure in judicial was accordance with the principles laid down by Kautilya⁸⁷. But in regard to the punishments, the Tuluva ruler mentioned above was stricter and less merciful than the judge mentioned in the Arthasastra⁸⁸.

Notes and References

1. Surendra Rao, B., *Bunts in History and Culture*, Udupi, 2010, pp . 18.
2. *Ibid.*
3. Vasantha Shetty ,B., “Tulubhashe Mattu Tulunadu”, in Tulu Sahithya Charithre, edited by Krishna Bhat.H, and Muralidhara Upadhyaya, Hampi, 2007, pp . 36-39.
4. The Sapthakonkanas created by Parashurama are Para konkana, Konkana, Konkana, Pashu, Mushika, Kerala and Kupaka. Among these ‘Aluva’ was called Tulunadu. This region consisted of the villages like Thrikanni, Trikata, Trikannlava, Trijola, Kolluru, Komalam, Vellara, Vengotta, Venkatam, Chengottu, Koteshwaram,

- Majnuswaram, Udupu, Shankerananarayana, Kotam, Shivalli, Moropancha, Vittala, Kumaramangala, Ananthapura and Kannapuram.
5. Mohanakrishna Rai, K., *Tulunadu Kannada Nudi – Tulu Karnatakada Nadu Nudi Chinthane*, Hampi, 2012, pp . 1-12.
 6. *Ibid.*, pp . 66-67.
 7. Govinda Pai, M., “Tulunadu Purvasmruthi”, *op.cit.*, pp. 8-9.
 8. *Ibid.*
 9. Saletore, B.A., *Ancient Karnataka; History of Tuluva*, Poona, 1936 pp . 27.
 10. Shetter ,S., *Shanagam Tamilgam Mathu Kannada Nadu Nudi Chinthane* ,Mysore, 2007 pp . 174.
 11. Surendra Rao,B., *op.cit.*, pp . 26-27.
 12. *Ibid*, pp . 26.
 13. Ganapathy Rao Aigal, M., *Dakshina Kannada Jilleya Pracheena Ithihasa*, Mangalore, 1923, reprint 2004, pp . 54.56.
 14. *Ibid.*, pp . 54.
 15. In Kerala,among the Nayars the Law of succession is called Marumakkathiyam system.
 16. Ramesh, K.V., Preface to the New Edition of Ganapathy Rao Aigal’s *Dakshina Kannada Jilleya Pracheena Ithihasa*”, Udupi, 2004, pp . 32.
 17. *Ibid.*
 18. Surendra Rao,B., *op.cit.*, pp . 21-22.
 19. *Ibid.*
 20. *Ibid.*
 21. *Ibid.*
 22. *Ibid.*
 23. *Ibid.*
 24. The Local Brahmanas are created by Parashurama.
 25. For the further reading of this story please refer, Nagendra Rao’s unpublished M.Phil dissertation entitled *The Historical Tradition of South Canara and the Brahmanical Groups:A Study of Gramapaddati and Sahyadrikhanda*, submitted to Mangalore University in the year 1995.
 26. Mohanakrishna, Rai K., *op.cit.*, pp . 60.
 27. *Ibid.*
 28. Rahamath Tarikere., *Prathi Samskrithi*, Bangalore, 2013, pp . 96.

29. Ganapayya Bhat,P., "Pre-History of Coastal Karnataka' "QJMS Vol. LXX, No. 1-12, 1979.
30. Purushothama Bilimale., *Bahuroopa*, Hosapete, 2013, pp . 33.
31. Vishnu Bhatta,B., "Palanthulu" in Tulu Sahithya Charithre, *op.cit.*, pp . 160-172.
32. Mohanakrishna Rai,K., *op.cit.*, pp . 220-221.
33. The political influence of Alupas was very high during the period of Chalukyas of Badami, who came to power after the Kadambas of Banavasi. The Vaddarse inscription, one of the oldest in Tulunadu names the Aluvarasa I. The Kigga inscription of Sringeri names Gunasagara. Soraba inscription calles him Gunasagara Alupendra. He played a major role indefeating the Pallavas of Kanchi and saving the Chalukyas of Badami. As a result he was granted the rule of Kadama Mandala by Chalkukyan king. The copper inscription of Maratur in Andhrapradesh also comments on Aluvarasa.
34. This caused fratricidal war in Tulunadu. Numerous inscriptions and veeragals in Udyawar in Udupi indicate to this civil wars.
35. Mohankrishna Rai,K ., *op.cit.*, pp . 224.
36. *Ibid*, pp . 255-267.
37. *Ibid*.
38. Sturrock, J., *Madras Distirct Manuals, South Canara*, Vol. I Madras, 1894, pp . 1.
39. *Ibid*.
40. *Ibid*.
41. Mohakrishna Rai,K., *op.cit.*, pp . 40.
42. *Ibid*.
43. Sturrock,J., *op.cit.*, pp . 11.
44. Mohanakrishna Rai,K., *op.cit.*, pp . 46.
45. *Ibid*.
46. Sturrock,J., *op.cit.*, pp . 11.
47. *Ibid*.
48. *Ibid*.
49. Mohanakrishna Rai,K., *op.cit.*, pp . 43.
50. *Ibid*
51. Sturrock, J., *op.cit.*, pp . 11-15.
52. *Ibid*, pp . 18.
53. Mohanakrishna Rai, K., *op.cit.*, pp . 48-49.
54. *Ibid*.

55. *Ibid.*
56. The important studies regarding the Koragas are: "The Koragar", by U. R. Raghavendra Rao, Indian Antiquary (1874); Gustav Oppert's "The original inhabitants of India, London, 1893; Edgar Thurston's "Castes and Tribes of Southern India, Vol. III, Madras, 1907; D.N.S. Bhat's "The Koraga Language, Poona, 1971; "Koragaru" by Amrutha Someshwara, Bangalore, 1982; "Koragara Samskrithi" by Purushothama Bilimale, Bangalore, 1993; C. Vasudevan's "The Koragas-The Forgotten Lot; The Primitive Tribe of Tulunadu, Trichur, 1988; "Tulunadalli Koraga Taniya" by Naveen Kumar Marike, Puttur, 2000 and soon.
57. Purushothama Bilimale, *Koragara Samskrithi*, Bangalore, 1993, pp . 5.
58. *Ibid.*
59. *Ibid*, pp . 6.
60. *Ibid*, pp . 7.
61. *Ibid*, pp . 27-32.
62. Keshavan Valuthat., "From Tribe to Caste? The Koragas of South Canara " in *Retrieved Acre*, by Surendra Rao & Chinnappa Gowda (eds), Mangalore University, 2003. pp . 13.
63. S.D. Shetty., "Tulunadina Samskrithika Ithihasa" in *Tulu Sahithya Charithre*, *op.cit.*, pp . 49.
64. S.D. Shetty., *Tulunadina Jaina Dharama: Ondu Samskrithika Adhyayana*, Udupi, 2002, pp . 50.
65. *Ibid*, pp . 50-51.
66. Suryanatha Kamath, U., *Tulunadina Dharmika Parampare*, Ujire, 1975, pp . 3.
67. S.D.Shetty, *op.cit.*, pp . 51-52
68. Govinda Pai, M., "Tulunadu Purvasmruthi" *op.cit.*, pp . 46.
69. Suryanatha Kamath, U., *op.cit.*, pp . 14.
70. Talthaje Vasantha Kumar., *Karnatakadalli Boudha Samskrithi*, Bangalore, 1988, pp . 78-87.
71. S.D. Shetty., (ed), *Belthangadi Parisarada Janangiya Adhyayana*, Ujire, 2003, pp . 9.
72. Suryanath Kamath, U., *op.cit.*, pp . 11.
73. S.D. Shetty., *op.cit.*, pp . 237.
74. Saletore, B.A., *op.cit.*, pp . 300-301.
75. Nagendra ,Rao., *op.cit.*, pp . 31
76. Saletore,B.A., *op.cit.*, pp . 302-303
77. *Ibid* , pp . 303.

78. *Ibid.*, pp . 305.
79. *Ibid.*
80. *Ibid.*,
81. *Ibid.*, pp . 305-306
82. The *Pakshanthas* are those,who dispensed of justice for the surrounding villages.In Ambalpady near Udupi there is the Nidamburaya family,who were given the designation Ballalas.
83. Saletore, B.A., *op.cit.*, pp . 310.
84. *Ibid.*, pp . 310-318.
85. *Ibid.*, pp . 318.
86. *Ibid.*, pp . 318-319.
87. *Ibid.* ., pp . 319.
88. *Ibid.*

Chapter 3

The Pre-colonial Judicial System in Tulunadu

The Pre-colonial Judicial System in Tulunadu

There are not many records to know about the judicial system of Tulunadu until 1799 AD, when it came to be directly administered by the British. Like the individual-centred judiciary that existed in all other parts of India, Tulunadu also had the same system of justice. The concept of 'justice' here was not confined to judiciary or administrative matters alone. It was defined in very narrow as well as widest possible terms through out, as the thousands of year old Tulunadu consisted of its own structures of power based on different communities and castes. It was distinct from the cultural authority of British with two hundred years history in Tulunadu. In fact, the caste, community, gender ridden hierarchy of Indian society always exerted a ruthless economic, religious and social control over those below in the hierarchical structure. When we focus on the judicial aspects of Tulunadu in particular, the questions of ethicality, social rules and regulations, religious factors play a major role. Local village councils, merchant guilds, religious matters, etc, occupy a significant position in the pre-colonial Tulunadu. Many conflicts were resolved by the mediating presence of local bodies and merchant units in those days. Guilty were punished with penalty, and serious crimes were punished by banishing from the four *varnas*.¹ In the pre-colonial period of Vijayanagar dynasty in Tulunadu, the judicial proceedings were conducted on the basis of ancient religious principles and local regulations². Village councils, chiefs of village and *magane*, regional courts involved in imparting justice. Mediators' role was crucial in such proceedings. Levying fines and excommunicating the culprit were some of the common modes of punishment. Like other rulers, even during the Keladi dynasty, religious scriptures, *Smritis*, *Mahabharata*, and so on constituted major source of justice. Keladi kings followed the customary practices or ancestral dictums here, those set by the preceding Vijayanagara rulers. Amputating limbs, detention, fine, and so on, were the most prevalent practices of reprimand.³

There was not much change in Tulunadu's judicial system under the rule of Haider Ali. Justice was largely the priority of local authorities. Town level officials, tax officers, *Panchayats* and local chieftains functioned as judges. Issues related to muslims were resolved by the *qajis* in important cities. Serious issues were first investigated by an official called *Ameel*, and then forwarded to the Sultan for final verdict. The supreme judicial authority was set up at Srirangapatna. The first Collector of Southcanara Sir

Thomas Munroe defined the *Panchayat* justice as contingent, but not equitable and impartial.⁴ To quote Munroe on this, *There is enough of tradition and on common sense their decisions are grounded... this justice with all its imperfections, from its cheapness and expedition will be better than the correct justice of English law with all its expenses and delays.*⁵ It is evident here that Munro agreed the British judicial system was expensive and delayed.

In Tippu Sultan's time, adjudication was carried out by the Patels in villages. In cities, it was conducted by the *Asifs*, *Amils* and *Foujdars*. In all cities a *pundit* and a *qaji* was included while conducting judicial processes of Hindus and Muslims. Appeals against such verdicts of local courts could be submitted at High Court in the capital city. The highest authority of justice was the Sultan. Some of the important punishments meted out during the reign of Tippu were amputating the body and capital punishment.⁶

Guided by the hierarchical principles of caste, the Tulu society creates chasm between varied social groups, castes and communities. Information regarding the political system of pre-colonial or medieval Tulunadu, its administrative set up, appointment of officials, tax collection, political alliances, etc., could be delineated with the help of ancient and medieval inscriptions found here.⁷ Inscriptions found, after Tulunadu came under the Vijayanagara rule mention names of different administrative units like *desha*, *rajya*, *nadu*, *seeme*, *magane*, *grama*, *ooru*, *chavadi*, *guttu* and so on.

This chapter is a study of the judicial system prevalent in Tulunadu in the medieval or pre-colonial period. A brief discussion of the nature of medieval state also undertaken here as the basis of judiciary. Inscriptions are used as the primary source here, and other textual and traditional sources are utilized as per contextual necessity. We could say that inscriptions are one of the very useful and reliable sources in understanding the ancient and medieval history and culture of our country. One important reason for their reliability is that the authors of such inscriptions are contemporary to the event recorded. As they describe the contemporary, present-day events, inscriptions become the most authorized evidence of all.

However, it is not possible to completely agree with the above. Inscriptions are always a voice for the dictums of authority, and they do not contain any detail about the common people. Inscriptions of medieval Tulunadu narrate a divergent story when compared with those provided by the rich oral literature of *paddanas*. Not people but powerfull

authority is at the centre of inscriptions. This point has been discussed in the Kalkuda Kallurti story in chapter six. However, the details provided in inscriptions seem more reliable than that offered by literature. Literary texts undergo change from time to time. Many times what we get is a later version of such texts, and therefore their veracity as historical sources is lesser. Inscriptions do not undergo any such changes. It is because inscriptions provide date or epoch that historians could decide about the kingly regime and their exact period.⁸

Even if the inscriptions attempt to convey a different matter as the central focus, the other details they contain become highly crucial to us. To cite an example, an inscription that sets out to describe an event of grant or charity, at the same time, it informs us about the different kinds of revenue, revenue officials, merchantry, regional and *agrahara* administration, religious sentiments of the period, etc.⁹

A part of Karnataka State, Dakshina Kannada or Tulunadu has occupied a distinct status in terms of its uniqueness and culture. Inscriptions play a crucial role in reconstructing the eleven centuries history of Tulunadu from seventh to eighteenth century A.D. Inscriptions belonging to three centuries from seventh to tenth century are considered as ancient inscriptions. Inscriptions from mid tenth to fourteenth century are categorised as medieval inscriptions. In 1336AD Tulunadu became a part of the emerging Vijayanagara empire. Inscriptions from this period to the end of eighteenth century are considered as inscriptions of Vijayanagara period.¹⁰ After the defeat of Vijayanagara empire in the decisive Talikote battle of 1565AD, Tulunadu came under the direct control of Keladi rulers. Although inscriptions are available from this period, non-inscriptional sources have also been a major source in understanding the historical milestones as they provide sufficient information. This has considerably reduced the singular significance of inscriptions.¹¹

Major social groups and Structure as seen in the inscriptions of Tulunadu

There are not many inscriptions available to understand the life style, modes and customs, social structure of people in ancient Tulunadu. As religion has played a crucial role in organizing a unitary structure of India and Karnataka, so has it exerted tremendous influence in determining the societal nature of Tulunadu. Within the framework of social system, religion and its subsidiary caste practices have percolated into each of its stages. Although attempts were made to build an egalitarian society, it

was not possible for any religion to bring about a drastic change or transform the traditional society as a whole. They could only achieve a partial co-existence as per contextual necessities.¹²

All the religions that entered into Tulunadu eventually set a firm foot by adapting to the social changes and responding to popular perceptions. They did not enter into any conflict with the already existing religions. The holistic community life of Tulunadu in those days was quite complicated.¹³ For example, the folk religious belief of *bhutaradhane* was constitutive of people from different strata of society like Pambada, Parava, Nalke of low caste to Brahmins and Kshatriyas regarded high in the social hierarchy. Everyone performed stipulated tasks and responsibilities in the ritual. The four divisions of *Brahmin*, *Kshatriya*, *Vyashya* and *Sudra* have played a significant role in our society since vedic period in determining the social system. Although they were initially classified based on occupation, they eventually developed into complicated systems of caste hierarchy. As it had germinated in other parts of Karnataka, it also assumed shape in the region of Tulunadu.

The important groups identified by Gururaja Bhat in Tulunadu are Billava, Mogera, Nadava, Nayar, Brahmin and Jain.¹⁴ This does not mean that other caste groups did not contribute in shaping the socio-cultural life of Tulunadu. However, the groups mentioned by Bhat indeed played a significant role when compared to other communities in determining the culture of Tulu region.¹⁵

In terms of number, Billava caste has been the largest in Dakshina Kannada or Tulunadu. In the northern side of Tulunadu they are called by the name of *Hale Paika*. The terms *Baidya* and *Pujari* are two important surnames indicating Billava caste. Keshava Krishna Kudwa mentions that in the pre-independence period itself there were around 2,00,000 Hale Paikas in Tulunadu.¹⁶ Sheenappa Hedge also has proposed that Billavas are Hale Paikas.¹⁷ Gururaja Bhat has recorded that Hale Paika are people belonging to either Pashuka or Haiga region.¹⁸ This region is in present day Honnavara. Despite their majority in terms of number, Billavas are not mentioned often in Tulunadu inscriptions. Their low social status could be one of the reasons for this.¹⁹ They might have participated in the armies of Tulunadu as soldiers. Only two inscriptions make reference about Billavas. 1444 AD Heruru inscription mentions Billa-Biruva, implying their association with *Billu* or the weapon bow.²⁰ An inscription found near Chokkadi of

Udupi taluk mentions the names of *Billava* and *Billagudde*.²¹ Alupa king Shwethavahana's Udiyavara inscription of ninth century A.D makes allusion to a *Pandyavillaras*²². When Alupa king Shwethavahana attacked Udayapura or Udiyavara city, Pandavillaras's son fought on his behalf, ending in his death. The dead warrior has been hailed as peace lover and *asadhu jana varjitan*. There have been serious attempts to draw a connection between Pandavillaras and Billavas, even to this day. However, there is no evidential basis for this claim. As Surendra Rao opines, such a claim must be the result of trying to find originary source for an effective history within a particular community itself. Or, it could also be a result of the competitive tendency to reclaim both past and present in the contemporary scenario of altered social and political equation and power.²³ Toddy tapping is the chief occupation of Billavas. There is no evidence to prove how they came to engage in this occupation. Francis Buchanan has considered Billavas as lower in social status in comparison to another powerful community, Bunts. Like Bunts, Billavas also follow matrilineal system.²⁴ The hereditary authority of *gurikara* is important among them. *Gurikara* plays a significant role in resolving the community's problems. Buchanan has recorded that they gather generally at *bhutasthana* or in *garadis* to resolve their issues.²⁵ J. Sturrock has identified Billavas as a major community in Tulunadu or Dakshina Kannada. He further opines that although the term *Billava* means an archer, it is impossible to conceive that a toddy tapping community could be a warrior group as well²⁶.

According to Polali Sheenappa Hegde the region stretching from Basaruru to Bhatkal was called by the Aryans as *matsyanagara*. The fishermen community of Mogera or Mogavira are prominent here.²⁷ They follow the *Aliya Santhana System* (matrilineal system) of Dakshina Kannada and also Tulu is their spoken language. In the northern parts of Tulunadu, Mogaviras follow *makkala kattu* or patrilineal system and also speak non-Tulu languages. As the Mogavira men catch fish from the sea, their women sell fish in distant places.²⁸ There are different sects among Mogaviras like *marakala*, *harikantra*, *mangala pujari*, *pandi*, *byari*, *talya*, *ganiga*, *soliga*, and so on. Konkani *Kharvis*, North Canara's *Ambiga*, *Makkavana* of Kasaragod also belong to Mogavira caste.²⁹ Although it is difficult to contest Mogavira's antiquity in Tulunadu, their reference in the inscriptions is a later development. We cannot also deny the guess that as they were called as 'tuluva,' the land they inhabited came to be referred to as Tulunadu. Existence of hunters and fishermen in almost every part of the world is a common thread in history.

Due to their occupation, these communities wandered from place to place. It is assumed that Mogaviras worked as soldiers during the Vijayanagara period, as they were called by the name *marakala*. It is opined that this term indicates their trait of being warriors.³⁰ Discussing about their warriorhood, B. Satchidananda Hegde says that in one or two inscriptions and folk stories we can see that Mogaviras built armies and fought in the battlefield. There is a legend that Ketu Marakala of Bobbarya paddana ruled over the region of Barakuru. The fourteenth century Atradi inscription is an evidence for Kalasa-Karkala rulers confiscating goods from and killing a member of Samudra Pandya's family, who had assaulted the Khandya Agrahara of Chikkamagaluru district. Even during the Vijayanagara kingdom, Mogerars were the chiefs of hanjamana or merchant guilds, and they possessed a personal army. There is also a mention of Ummara Marakala in the Kaikini inscription of 1417AD. In the early nineteenth century conflict between sthanikas and Tulu Brahmins over the ownership of Udupi Sri Krishna temple, Mogerars had fought on behalf of Tuluva Brahmins.³¹ Gururaja Bhat thus says about Billawas and Mogaviras: *The Billavas and Mogers may be said to belong to one group and perhaps, they may be said to constitute the first stage in the development of the civilization of Tulunadu. Both the communities possess the same balis, whose description will follow presently.*³²

Locating Bunts antiquity in the history of Tulunadu is both enraging and a futile exercise. Although it is true that one expects to find a conspicuous presence of prominent Bunts in history of Tulunadu, there are hardly many sources justifying this claim.³³ Attempt to locate Bunts in Harappa culture, the over-enthusiasm to connect Bunts with Bhutala Pandya, to weave a link between Alupas and Alvas, with Ashoka's time, with Tamil Sangam Literature period, and so one do not have much evidential basis.³⁴ According to Surendra Rao, the attempts to find originary moments of Bunt and Nadava have not helped the readers in arriving at a conclusion. The claims made so far are merely assumptions, guided by the motive of consoling the community. However, our inability to prove the hypothesis around Bunt caste's origin and history doesnot imply that it never possessed an antiquity of its own. We can only say that we do not have sufficient knowledge about Bunt beginning.³⁵

Bunts or Nadavas are agriculturalists by origin. While Bunts are Tulu speakers, Nadavas use Kannada language. To state a fact, Bunt community people prefer to be called by the Tulu term *Okkelme*, meaning cultivator. Although their appearance in inscriptions is in

the medieval period, it does not mean they did not exist prior to that. We can infer that their presence in the social, economic and political scenario of Tulu Nadu is prominent during the medieval period.³⁶ The oldest of inscriptions with reference to 'Bunt' is the one found, in the base of an interior door of Shambhu Kalla Bhairava Temple in Udyavara. It belonged to an Alupa king of eighth century, Aluvarasa II.³⁷ A large part of this inscription is damaged, nevertheless two of its preserved lines mention about, "Shivalli's one thousand and Chokkapadi Bunts" donation offered to Shambhu Kalladeva. Here Shivalli indicates people of a place and not a caste. Therefore, there is no clear answer about the Bunts mentioned in this inscription. It is a debatable matter that if the 'Bunt' here refers to a caste or an army of a king.³⁸ However, according to Gururaja Bhat, it is only after ninth century that Bunts are mentioned in the inscriptions of Tulu Nadu. We cannot state for sure if the Bunt referred here is people belonging to Bunt or Nadava community.³⁹

Among the ancient inscriptions of Tulu Nadu, the Polali inscription of eleventh century A.D in Mangalore Taluk mentions about the 'manner of Bunts of Mulavadi (mulavadi bantara varthane).⁴⁰ Gururaja Bhat records that some ancient inscriptions accorded a lower status to Bunts.⁴¹ For example, an inscription found at Aruru of Udupi taluk points at how Bunts were restricted from entering the palace.⁴² Inscriptions of Vijayanagara period indicate that a large number of Bunts possessed ownership of land.⁴³ Mangalore taluk's Mundkuru inscription of 1293 AD is the oldest about Nadavas. It is a donation inscription, and no further details are available. It states that *okkalu* Nadavas erected a pillar called *Bommattiyakallu*.⁴⁴ The 1325 AD inscription from Barakuru records the rebellion of 'Paduva Kone Nadavas.'⁴⁵ Another Barakuru inscription of 1399 AD contains information about the assembly held by Barakuru governor Nagarasa Odeya in his palace including Nadavas in the discussion.⁴⁶ An inscription of 1417 AD found in the Bhatkal region of Uttara Kannada district mentions about Maninadava's family, and also about a donor called Kalluga-Nadava.⁴⁷

The powerful position of Bunts as recorded in the inscriptions of Vijayanagara period also is continued in the time of Keladi rulers. Portuguese presence in the same period should also be observed here. If Tulu Nadu inscriptions uphold leadership and agricultural activities of Bunts, the Portuguese records identify them as active merchants in Kundapura and Basruru region.⁴⁸ There are evidences to prove that Keladi rulers appointed some Bunts as chiefs for strategic location. Two records of 1747 AD mention

about the order given by Siddappa Shettar to Kavadi Timma, directing him not to permit the families of Sirikotti village to build a fort at Bhuvanagiri Durga.⁴⁹ This point at the unbalanced negotiation the rulers entered into with local chiefs to prevent the political ascendancy of other people, and to confirm their support. So if we dig the position and power of Bunts in Tulunadu, they appear as cornerstones in the administrative units at village or *grama* level.

There is a mention of Nayer community in the thirteenth and fourteenth century inscriptions of donation to Brahmins. Such sources are interesting for the study of the pre-colonial Tulunadu, and they demand more explanation. The Barakuru inscription of 1431 AD records that Keshava Mundacha's son Krishna Mundacha accepted gifts from Duggu Binnaniti and many other communities of Nayer origin in Murakeri.⁵⁰ An inscription of 1392 AD of Barakuru mentions that a person called, Bahiri had a land rights agreement with people from Nayer origin.⁵¹ Such inscriptional evidences prove the existence of Nayer people in Tulunadu. But it should not be compared with the Nayars of Kerala. However, it is not easy to answer about from where did Nayers come to Tulunadu, and how did they build connection with the Brahmin community here. Gururaja Bhat opines thus in this regard, *The Brahmins could not take other occupations except in times of distress. So they could not work on the lands granted to them in lieu of their services by themselves and had to get them worked by the Nayers. "Nayer" may be connected with 'plough' which is still known as 'nayer' in Tulu. The Nayers around Barkuru have same balis as the Nadavas.*⁵²

There is no sufficient evidence to study the social status of Nayers in Tulunadu. As Alupa inscriptions do not contain any information about them, we could only notice their presence in Tulunadu after fourteenth century. The inscriptions with their reference, record them as related to agriculture itself. The inscriptions available about the relationship between Nayers and Brahmins do not provide adequate information. At the same time, the question of why did the Nayers disappear from Tulunadu's history also bother us. It is possible that eventually Nayers merged into the Nadava community. According to the '*Grاما Paddathi*' Nayers perhaps migrated to Tulunadu. According to this, while Mayura Varma brought Brahmins to Tulunadu, he also brought Nayers along. He might have employed Nayers to protect the land donated to Brahmins.⁵³ Although the historical basis of '*Grاما Paddathi*' is questionable, there is a reference to it in the

inscriptions as well. Gururaja Bhat records that there were around ten Nayer community families around Barakuru.⁵⁴

The *South Canara District Manual* identifies same origin to Bunts, Nadavas and Nayars of Kerala. In this context, the mention in *South Kanara Manual* could be reproduced thus:⁵⁵ *They appear to have entered Malabar from the North rather than from the South and to have peopled first the Tulu and then the Malayalam country. They were probably the off-shoot of some colony in the Konkan or the Deccan.....* In Malabar and South of Canara as far as Kasaragod, they are called Nayars and their language is Malayalam. From Kasaragod to Brahmavar, they are termed as Bunts and speak Tulu. To the north of Brahmavar they are called Nadavas and they speak Caranase.”⁵⁶

In terms of language also the above definition could be justified. According to Manner’s *Tulu-English Dictionary*, the Tulu term for ‘plough’ is ‘Nayer.’⁵⁷ As cultivation was the chief occupation of Nayers, the use of plough would be common. But, the word ‘Nayar’ also implies leader, owner and warrior.⁵⁸ Nevertheless, the submerging of Nayars into Nadavas cannot be ignored, as Nadavas chief occupation was also agriculture. ‘*Okkelme*’ in Tulu also means cultivation. Further, we have to agree that such a claim is merely hypothetical.

Alupa king Aluvarasa’s Vaddarse inscription of the seventh century is the first to mention about Brahmins in Tulunadu.⁵⁹ It records the donation of coins to seventeen Brahmins or the gift of 17 kanchu or copper coins and 17 kilginchu to Brahmins. The presence of Brahmins in Tulunadu could be accurately determined to seventh century with the help of this inscription. This is also not to prove that all Brahmins migrated to Tulunadu at the same time. Mid eighth century Belman copper inscription of Aluvarasa II also mentions about Brahmins.⁶⁰ This is the only copper inscription available about Alupa administration. According to its contents, in an assembly called ‘Mahanadu’ during Aluvarasa’s rule, both Aluvarasa and Ereyapparasa were personally present, and they decreed that the honour of rules and regulations applied to Shivalli assembly should also be extended to Belmannu assembly. Nrupamalla Raja’s Bantra inscription of Mangaluru taluk which is said to belong to ninth century records the presence of two Brahmins as witnesses for the agreement between kings.⁶¹ It alludes to ‘Sridhara Bhattarum’ and ‘Medhavi Bhattarum’ (Madhava Bhatta...?). Although it belongs to Aluvarasa Maramma IV of Alupa rule, it doesnot mention the ruler’s name.

As mentioned earlier, Brahmins might have migrated to Tulunadu in different stages. Various Brahmin communities settled in different places and developed distinct characteristics of their own. According to the North Karnataka Gazetteer, Havyaka Brahmins were divided into four groups: Havyaka, Kota, Saklapuri and Shivalli.⁶² Among these, Shivalli and Kota are found in Dakshina Kannada as well. Based on their geographical spread in Tulunadu they are divided into five groups: people of Shivalli, of Kota, of Koteshwara, of Kandavara and of Panchagrama.⁶³ But to state more accurately, in Dakshina Kannada there are only two subdivision of Brahmins, i.e., Shivalli and Kota. While Shivalli belong to the Shivalli village of Udupi, Kota groups belong to Kota region of the same taluk.

Shivalli brahmins of Tulunadu are considered to belong to Madhva sect. But, not all Shivalli Brahmins are Madhvas. Among Shivallis there are different sects like Smartha Shivalli, Bhagavatha Shivalli, Nada Shivalli, Eppattara Shivalli and Nalavattara Shivalli. Madhvas residing in other parts of Karnataka are not called by the name of Shivalli Brahmins. There are multiple opinions about this 'Shivalli' region as well. Village or *agrahara* name Shivalli can be located in Goa's Mapsa, in Thirthahalli taluk of Shimoga, in Shirasi taluk of Honnavara and near Shirali Koppa.⁶⁴

While discussing about the Shivalli Brahmins in inscriptions, eighth century Udyavara inscription of Alupa king Ranasagara is significant.⁶⁵ According to this inscription, if one violates the regulations related to towns or 'padinentu pattana' it amounts to the sin committed by eradicating Shivalli Brahmapuri. Inscriptions mention that like Shivalli, Kota region of Udupi Taluk was also a Brahmin centre. Some of those talk about ten thousand *mahajagattu* and 1016 Adiwasis.⁶⁶ It was a practice since Chanakya's days to call Brahmins who maintained the temple of political prestige as *sthanikas*. *Sthanikas* are one of those first groups that migrated to Tulunadu. They were involved in temple maintenance. As they had renounced priesthood, Shivallis of Tulunadu termed them derogatively as *trikarmis* or Brahmins of lower status. Cross lines were laid for them during dining events.⁶⁷

There has been a lot of debate about the migration of Jains into Tulunadu. There is a lack of sufficient evidence to determine it clearly. Govinda Pai opines that within 100-200 years of Samprati Chandragupta's settling in Shravanabelagola in around 230 BC along with Bhadrabahu Bhattaraka who arrived from Northern India, should have been the

period of Jain settlement in Tulunadu.⁶⁸ Although Gururaja Bhat agreed initially, later he changed his opinion regarding Pai's assumption during the composition of his book *Studies in Tuluva History and Culture*. He dismissed Pai's argument as a hypothesis based on his research of ancient inscriptions, Jain architecture, sculpture and literary texts found in this district, and concluded that Jain religion existed here since the time of ancient Alupas.⁶⁹ Based on the study of ancient inscriptions B.A Saletore who conducted a significant study of Tuluva history decided that Jain religion entered Tulunadu in ninth century AD.⁷⁰ Concurring with Saletore's opinion, Sripada Sharma supposed that if Jain religion ascended in Tulunadu in ninth century, it might have reaped fruits of a developed culture in the eighth century in surrounding regions.⁷¹ K.V.Ramesh thinks that Jain and Vaishnava religions gained popularity in Tulunadu in thirteenth century AD.⁷² Suryanath Kamath mentions that Jain religion might have arrived in Tulunadu during the period of eighth century Alupa king Chitravahana's queen Kumkuma Devi.⁷³ Recent arguments propose that Jain religion was prevalent during the rule Banavasi Kadambas and that many *muni* or sage groups were active in the period.⁷⁴

There are inscriptions that accurately record the existence of Jain religion in Tulunadu. Significant among them are: Shigganvi inscription of 707 AD,⁷⁵ Kumaraya inscription of 1161 AD,⁷⁶ Barakuru inscription of 1020 AD,⁷⁷ Bhujabala Kavi Alupendra's inscription of 1140 AD,⁷⁸ Mudabidire inscription of 1215 AD,⁷⁹ and Kundana Varangada inscription of 1300 AD.⁸⁰ The Shiggavi inscription of 707 AD is the most important of the above. It records the wedding of Alupa king Chitravahana I (680-730 AD) with Vatapi Chalukya king Satyashraya's sister Kumkuma Devi. Kumkuma Devi was a Jain, and based on the recommendation of Chitravahana, Chalukya king Vikramaditya gifted Guddigere village to Kumkumdevi for the construction of Jina Bhavana. We can notice that a matrimonial alliance is achieved between Shaiva Alupas and Jain Chalukyas through this event. Likewise, we can remember that, Pattamahishi Kadamba Mahadevi of Pulikeshi II was also an Alupa princess.⁸¹

Bases of Authority

When we talk about the State system of pre-colonial India, it is crucial to understand the frames of Indian state system. We should notice that the connotation of 'State' is different in European and Indian scenario. If we apply the meaning of 'State' as *rajya* or 'State' or authority in Indian languages, we might conclude that European 'State' also

existed in India. When we assume Indian terms and institutions as equivalent to 'State,' all the debate around it gets channelized by the conceptions of 'State' itself. Although a lot of details are available about Indian 'State' system, it is difficult to identify, if we try to locate features on the models of European system. Although the word 'State' was prevalent in Europe since ancient times, its present day connotations are a development only after seventeenth century. It is the very system of 'State' that led European thinkers to conclude that European civilization represents the pinnacle stage in human race. Enlightenment thinkers like Rousseau, Thomas Hobbes, John Locke, and so on identified State as a unique system of governance of human society that is grounded on the foundations of universally applicable law. The legal authority here is universal, and the sovereign power based on this universal principle directs the human life within a particular territory. Rulers abide by the motive to execute its purposes. Therefore, 'government' implies implementing the State's objectives following its organization. It has been opined that it is a social contract.

During the colonial period, Europeans attempted to understand the governing structure of other cultures guided by their very ideas of State. It created complications in India as well. Indian state arrangement was an intriguing and interesting area for the historians of colonial times. As establishing their statehood was the primary concern of colonial masters, they tried to adapt Indian State system into European State principles. While the pre-colonial governance was viewed from the European model and perspective, it appeared as unorganized and inferior to many Utilitarians. Romanticists perceived it as a mere example of ancient practices. Good or bad, it was the colonial issue of state and not the problem of Indian reality. Further, nationalist historians like K P Jayaspal, Beni Prasad, A.S. Altekar, and others also did not make any efforts to alter the colonial perceptions of pre-colonial administrative arrangement here. They only engaged in arguing how the State principle and its execution is insufficiently carried out in Indian States. They struggled to propose how such principles of State were already a part of the knowledge system since ancient period. In an endeavour to prove how Indians are not inferior to Europeans, they lost its uniqueness and thus concretized the State conceptions of Europe.

After the conclusion of colonial rule in the mid twentieth century, the conceptions of State prevalent until then were brought under scrutiny. The Leftist writers first initiated an ideological discussion on the ancient Indian State conceptions. Based on the Marxian

thought available then, D D Kosambi (1956), R S Sharma (1965), and others described the State formation and structure as existed in the pre-colonial times. Post 1980's the debates, discussions, assumptions, postulations, etc., around the concept of State increased. As post-colonial and post European modernity influence were present in such propositions, they lent an alternative to the conceptualizations of colonial period.

In this background, Herman Kulke has identified the different kinds of State mentioned in the Indian context.⁸² *First* is 'Oriental Despotism,' and Marx's concept of 'Asiatic Mode of Production'⁸³ based on Oriental Despotism. *Second* is, the States centred on king's sovereignty as proposed by the Indian nationalist historians. The king is an enlightened despot here and it is argued that ancient monarchy was not despotic in nature. *Third*, is the Leftist model of feudal State system. It is modelled on the feudal system prevalent in medieval Europe, and altered to incorporate Indian features.⁸⁴ *Fourth*, is the Segmentary State model proposed by Burton Stein in 1980's in South Indian context. Stein argued that State system did not evolve as a coherent shape in South India. He elaborated that there was a simultaneous existence of royal sovereignty like Pallava and Chola with that of local chieftains, who retained their power, continuing in the earlier forms of Statehood. He thus argued that such States should be called as Segmentary and not unified states.⁸⁵ *Fifth*, is modelled on Patrimonial system. Stephen Blake has proposed this model during Moghal empire. In Herman Kulke's *State in India* Stephen Blake's 'the patrimonial bureaucratic empire of the Moghals' is mentioned. Blake proposes these ideas based on Max Webber's definitions of Moghal governance and Indian Sultanate. *Sixth*, is Herman Kulke's own model. He has researched on how State evolved in different stages and what shapes it took in those stages. He called it as Integrative State Formation. According to him we should understand the nature of a state based on the ruling class's experiment and social, cultural development, and not as a singular, passive, universal frame.⁸⁶ *Seventh*, is Historical Agency States. Post-colonial scholars argue that Indian States were social agents like European states.⁸⁷ To sum up, colonial historians have perceived the Indian states as weak, un-evolving and sickening model. This argument has been accepted to this date. It is their contention that Indian statehood has fulfilled its functions as State in a different mode than the European State.

Most of the studies on different dynasties that ruled Karnataka region adopt the ideological framework of nationalist history itself. Because, they are either a part of the research on national history, or merely its Karnataka edition. There is hardly any scope

to discuss what kind of State these regions were. They are also projected as centralized systems here. For example while describing the administration of a State, such researchers continue to define central rule, provincial rule, officials, *ministers*, army, tax department, etc. The administrative units functioning independently within state like *nadu*, *mahanadu*, *agrahara*, *uru*, and so on are also identified. This method of locating any units of pre-colonial State within the above frame is a very prevalent and popular mode.

However, two works, Dinakara Desai's *Mahamandalaswaras under the Chalukyas of Kalyani* and G S Deekshit's *Local Self-Government in Medieval Karnataka* do not glorify the royal dynasties, but concentrate on their administration. According to Dinakara Desai during the Chalukya period, *Mahamandalaswaras* ruled as feudal chiefs. Despite conforming to the supremacy of emperors, they functioned as independent rulers. Their histories are also on similar lines as that of royal families. They wage battles, expand boundaries and extend shelter to people. When compared on these lines, there is hardly any difference between the achievements of kings and such chieftains.⁸⁸ During the Chalukya period, King was a sovereign in principle and not in practice. Their power was also checked by bounds and balances.⁸⁹ G.S Deekshit also discusses the authority of local units like *mahanadu*, *nadu*, *agrahara*, *uru*, *nagara*, etc. Issues like chiefs of such units, their appointment, administrative management, assemblies, discussion, etc were not paid any attention by either kings or their officials.⁹⁰ According to Deekshit, ancient Indian royal families' feud over successor, rebellions, ups and downs of the empire and so on did not exert any impact on the interior village communities. Even if there is a change in the central administration, local units continued to function with their own rules and regulations.⁹¹

Although initially Romila Thapar wrote that Mauryan empire had a centralized power, eventually in the book *Mauryas Revisited*⁹² published in 2000, she re-examined the above claim. In the earlier work *From Lineage to Stage*⁹³ she had portrayed the stages of State formation in India. Mauryan state was projected as an accomplished model of State structure. This proposition is revised in her work *Early India*.⁹⁴ According to this, Mauryan state was divided into three sections: *metropolis*, *core* and *periphery*, and all these functioned differently in varied regions. *Metropolis* at the centre was Mauryan capital and regions directly under its control. Outside this centre, it had extended its administrative centres in different parts of the empire. They were units of its

administrative division (*prantya*). Many parts of such a division came under its direct control owing to their availability of resources and the administrative machine necessary to mobilize those resources. The States of second stage or *cores* were thus created.⁹⁵ Karnataka's interior region where Ashoka's edicts were found also are examples of such second stage state formation. Finally, *periphery* did not attract any attention from the empire and remained distanced from the centre. The authority here was loosely formed. Therefore, according to Romila Thapar's revised argument, although Mauryan empire functioned with centralized authority, this centralization was not all pervasive or similar in all regions.

We should try to understand the ruling authority of Tulu Nadu with the backdrop of above mentioned localities of power. Earlier mentioned texts of Dinakara Desai and G S Deekshit propound that authority was not limited to the royal households alone. In the administrative set up of Tulu Nadu as well there were different units like *nadu*, *seeme*, *magane*, *grama*, *guttu*. It is difficult to assume when a region is part of an empire or an independent unit on its own. It unravels its meaning only when we perceive such local units as functional blocks of the state administration itself.

The political bases of Tulu Nadu should be understood from the interface of political power between local ruling families and external politics. Tulu Nadu underwent dual feeling of local politics and the entry of external sovereignty simultaneously. None of the rulers and kings of Tulu Nadu reached the level of emperor or the empire builders. In the pre-colonial period Tulu Nadu witnessed two types of power politics, i.e., Samanthal and sovereign centered politics⁹⁶. Although the Alupas were subordinate to Karnataka suzerains, for all practical purposes and intents, they were independent and there was hardly any interference in the internal administration of their territory until the advent of the Vijayanagar rule when Tulu Nadu was divided into two *rajyas*⁹⁷. Infact Alupas tried their level maximum to develop co-ordial relationship with sovereigns of Karnataka. Tulu Nadu had a new political experience due to beginning of the rule of Vijayanagara dynasty. As mentioned above, Tulu Nadu was divided into two provinces i.e., Mangalore *rajya* and Barkuru *rajyas*, and they appointed two governors to rule these divisions. But many a time only one governor ruled over both Mangalore and Barkur *rajyas*. The governors appointed were acted as connecting link between the Emperor and the provinces. The coastal strip of Tulu Nadu was a valuable possession for the Vijayanagara empire. So Vijayanagara rulers had special interest to control Tulu Nadu. A large number

of ports like Bekal, Kumble, Mangalore, Barkur and Basrur helped the western trade and commerce of Tulunadu from time immemorial. The ports enabled the Vijayanagara rulers to be in touch with the suppliers of horses from Arabia and Persia. The political evolution of Vijayanagara empire led to an important milestone in the history of Tulunadu, because for the first time Tulunadu and its people were ruled by the representatives of the occupant ruler⁹⁸.

After the defeat of Vijayanagara dynasty in 1565AD all the *samanthas*, who were under the control of Vijayanagara had desired to get freedom. Some of the *feudatory* rulers like Wodeyers of Mysore, Nayakas of Keladi attained success in their effort. Even though the feudatories of Tulunadu tried to become politically independent after the downfall of Vijayanagara kingdom, but their attempt did not last for long, as they came under the control of Keladi rulers. It was in about 1550AD that the Vijayanagar ruler Sadashiva Nayaka entrusted the work of administering the coastal region of Canara to Sadashiva Nayaka of Keladi as Amara magane. By 1554AD, Sadashiva Nayaka of Keladi was able to establish his political authority over Tulunadu. Later Venkatappa Nayaka came into power and by realizing the internal conflict in Tulunadu he tried to bring it in his control. The rulers of Keladi continued the Vijayanagara administrative system. The rule of Keladi Nayakas in Tulunadu came to an end in 1763AD, when Hyder Ali conquered Bidanur and annexed Tulunadu. There are two ways with which the administration of Hyder Ali and Tippu Sultan in Tulunadu should be looked at.⁹⁹ *First* is the relationship with local kings, forms of control or administration and land occupying methods. The *second* aspect is, how did they use Tulunadu to fight against the British?. Though external rule and administration was not new to Tulunadu, but during the time of Tippu Sultan there was a substantial change in politics which gave different directions to its politics. According to Mohankrishna Rai, the rule of Tippu Sultan was a last link for the local administration in Tulunadu. After the death of Tippu Sultan in the Fourth Anglo Mysore war, Tulunadu came under the rule of British. British East India Company used Tulunadu according to its benefits. All local ruling families lost their identity during the rule of British.

Centralized and decentralized Governance

Tulunadu was a conglomeration of several mutually independent and quite often, repllent political units from earliest times of recorded history. The administrative institutions got

evolved from the time of Alupas in Tulunadu developed further by the Vijayanagara governors of Barakur and Mangalore. There is no difference in the administrative structure of Tulunadu in comparison with other parts of Karnataka. Like any other place, the King held the supreme position in the administration. Even though Badami Chalukyas, Rashtrakutas and Kalyani Chalukyas had their rule throughout Karnataka, including Tulunadu, but they never tried to impose their administrative system in Tulunadu. Hence the existing indigenous procedures, norms, social and historical models and retained their supremacy. The essence of administrative system of Tulunadu could be seen in decentralized governance than centralized governance. This kind of system enhances the nature of politics and retains and strengthen its own uniqueness in regional aspects.

It is difficult to exactly mention about the classification of administrative divisions during the rule of Alupa period. Based on the inscriptions one can many political divisions during the time of ancient Alupas, i.e., *rajya*, *vishaya*, *mahanadu(prantya)*, *nadu(region)*. There is no clarity about the reason why it was called as *nadu*. Generally a region, with more than thousand villages is called as *nadu*. But the number of villages were never thousand villages in these regions. Even though inscriptions have mentioned Tulunadu as Aluru and Alvakheda 6000, the ancient Alupa rulers never mentioned Tulunadu as *Alvakheda* in their inscriptions. According to the Banki Deva I's (1020-50) Barakuru inscription, Alupa region is mentioned as 'Tulu *vishaya*'¹⁰⁰. Hence this shows that Barakuru was a part of Tulu *vishaya*. Even in the inscriptions of Vijayanagara Kings Barakuru is mentioned as a Tulu region. Therefore the concept of "Tulu *vishaya*" mentioned here is a part of the administrative division called *nadu*.¹⁰¹ In the Belman copper inscription, there is a reference about the meeting of *Mahanadu*. The second Aluvarasa was present in this meeting. And an order was issued to extend privileges of Shivalli assembly to Belman assembly also. Kantapura (Kantavara), Bela (Bola) were also called as *Nadu* and had same meetings. Manideva of Kantapura and Bolananda has been mentioned here. Probably they were given in charge of executing the orders. Mostly the administrative units were recognized by the name of the region itself. Sometime administrative divisions were called by the name of region, family and village. But many time along with the name of the regions numerical numbers were also mentioned like for example, Nolambavadi 32000, Sindavadi 1000. There are different opinions about it, like some claim that it refers to agricultural land in that particular region or it refers to the

number of owner of houses¹⁰². It could also refer to the number of villages as it contains number of divisions along with the name of the village.

In Tulunadu, every region comes under the rule of one officer and his work was called as *Nattumudime* that means he is a leader of one *Naadu* or region¹⁰³. The inscription found in the Vaddarse of Udupi district belongs to seventh century, explains about the administration of Gundannana Nattu, he was the servant of Kundavarma of Alupa dynasty¹⁰⁴. The same inscription is also called as *Paduvalliya Naadu* and *Nattu Mudime*. This region have been under the leadership of Gundarasa. The Kigga inscription of Aluvarasa I (640-650) explains about *Nattu Mudime* of Kundamarasa¹⁰⁵. Here the region could have been Kigga. The inscriptions of Prithvi Sagara¹⁰⁶ (810-840) and Vijayaditya Maramma¹⁰⁷ (840-870) narrate that Bhoyga Varma and Arakella had the same position in the administration. The region or *Nattu Mudime* mentioned in this inscription could be Udyavara of Udupi district.

There is no reference of *Nattumudime* and *mudime* in any of the inscriptions after Vijayaditya Maramma's rule. Probably by that time *Nattumudimes* were converted as regions for Samantha kings. This opinion is justified by the Bantra inscription of King Nrupamalla, belong to mid ninth century A.D¹⁰⁸. This inscription mentions about Vijayaditya Maramma, Nrupa Mallaraja, Kadamba kings. According to K V Ramesh these people could have been the Samanthas during the period of Vijayaditya Maramma¹⁰⁹. The inscription belongs to Banki Deva I, found at Barkur which belongs to eleventh century A.D states that he was king for 120 *Mandalika* and *Maha Mandalika*. It is also mentioned that he defeated Cholas with the help of his political strength. He defeated Komara Danda and 120 *Mandalikas* and Tulu *vishaya* was brought under his control or issued *nijajne*.¹¹⁰ Here it should be understood as he imposed his decision or established his rule. For the first time this inscription has mentioned about "Tulu *vishaya*". Though the "*vishaya*" here is about a region or district, it could also be understood as *Nadu*.

The inscription of Hoysala King Veera Ballala III of the year 1281 A.D mentions about land grant, and also mentioned that the land was granted by getting the permission of two *Kola bali*, *nadu* and *Nakhara*¹¹¹. The Mangalore inscription of Veera Kulashekara Aluparendra mentions about the Mugaru land that was given to his son-in-law Veera Banki Devarasa¹¹². It is evident that "*Nadu*" was the administrative division during the

rule of Aluaparasa. Reference about *Arasu*, *Nadu* (people of *nadu*) and *Nakhara* (traders association or class/ section) based on the existing rule of that time clarifies that *Nadu* was the administrative division at that time. The region or village with more population is called as *Maha Nagara*, *Nagara*, *Nakhara*, *Pura*. The rulers of these regions or villages are called as “Nayakas”. The administrators of these villages or regions are called as *Adhikari* or *Pergade*. The administrator of the urban (city) regions is called as “Nayaka” says the ninth century inscription of Udyawara which belongs to Prithvi Sagara¹¹³. Maramma Aluvarasa’s inscription which belongs to the ninth century says Karasi Nayaka is the administrator for Kolala Nakhara¹¹⁴. The reference about the village administrators like Pergade is mentioned in the inscription of Nrupamallaraja, which belongs to ninth century A.D and a place called in Bantra. This inscription talks about the treaty and also mentions about Pergade being witness for the treaty¹¹⁵.

People occupied with different occupations and professional associations had gained traditional status in the administration of the region. Udayapuranakara Yelpattokkulu, Sarsivas of Shivalli, Padinentupattana (city) etc., references are available in the ancient inscriptions of Alupas. Medieval Alupa inscriptions narrate about political, administrative, economical, social and religious aspects of Tulunadu. Medieval Alupa inscriptions refer to cabinet ministers such as *Samasthapradhana*, *Bahattaraniyogagalu*. This refers to the administrative posts assigned for implementation and management of activities¹¹⁶. Kings were advised in the religious matters by *Deshi* men or *Deshipurusha*. Apart from King, queens and princes were also involved in the administration of the state. During medieval period, Alupas had divided their kingdom into various *Nadu*. The head of these *Nadu* is called as *Adhikari* or *Atikari*. The other officials of the village are *Senabhova*, *Ooraluva*, *Pergede* or *Heggade*¹¹⁷.

Hoysalas were the first sovereigns to rule Tulunadu. By defeating Alupas in 1333 A.D Hoysalas brought important change in the history of Tulunadu. When the Alupa king Soyideva Alupendra realized that he cannot defeat Hoysalas, he made a treaty with Hoysala king Ballala III by offering him to marry his sister Chikkayi Tayi. After their marriage, Chikkayi Tayi started ruling Tulunadu on behalf of the king Ballala III¹¹⁸. Even though we do not find reference to any of their administrative policies in any of the inscriptions, but their influence and power could be seen. When Chikkayi Tayi was ruling Barakuru on behalf of Ballala III, she was supported by Vaijappa Dannayaka, Ajanna Saahani and Hariyappa Dannayaka. Their designations are mentioned as

“Pradhanike” in the inscriptions. Ballala III is referred with title “Pandya Chakravarthy”¹¹⁹. It is also mentioned that, Maha Pradhana Vaijappa Dannayaka, Ajanna Sahani, *Bahattaraniyogis* and two people of the Kola bali were present in that position. The reference of Vaijappa Sahaani is available even in the inscriptions of Soyideva Alupendra. The title “Dannayaka” came into existence along with Hoysala administration. As the name of Vaijappa Dannayaka and Chikkayi Tayi, it is possible that Soyideva must have given his services to Hoysala administration¹²⁰. The local associations like *Nakhara*, *Nakhara – Hanjamaana* and *Settikaar* took part in the administration during the Hoysalas as they used to take part earlier during Alupa rule.

The Vijayanagara dynasty extended its boundary to Tulunadu, by 1336AD, even though they became the powerful, they could not be the sole rulers of Tulunadu. During 1345-48A.D the capital of Tulunadu, Barakuru became the power centre for three royal families i.e., Alupas, depleting Hoysala and emerging Vijayanagara kingdom. In 1348 A.D Hoysalas disappeared and Alupas continued ruling till the end of fourteenth century. Later, Vijayanagara kings occupied major portion of Tulunadu and started their rule. Even though the new administrators of Vijayanagar kingdom involved with local institutions and had good relationship with local people. The political evolution of Vijayanagara kingdom led to the important milestone in the history of Tulunadu. Because for the first time, Tulunadu and its people were ruled by the representatives of the occupant ruler rather than by the occupant directly¹²¹. To have the effective administration, as mentioned earlier Tulunadu was divided into two administrative divisions i.e., Barakur and Mangalore rajas. Barakur state was a city and a centre point for trade. It was in the northern part of Tulunadu whereas, Mangalore was in the southern part of Tulunadu. Both the states had separate capital and they were the political centers¹²². The governors appointed by the Vijayanagara King was ruling these states. Governor was also called as *Odeya*. As mentioned earlier there are examples when the administration incharge of both rajas were given to one Governor.

We should notice another aspect here that is, Tulunadu underwent or experienced two forms of administration at the same time. What kind of relationship was maintained with local rulers of Tulunadu and how did the people of Tulunadu reacted to the dual political and administrative system is a question which has to be considered. Though there is no clear answer for this question, it should be analyzed from the view of available literature and inscriptions¹²³. When the local rulers had internal clashes,

fought among themselves, the governors played an important role in resolving the cases. When the governor acted against the welfare of people, they were punished by the king of Vijayanagar. For example, when the governor of Barkur, Mahabala Deva (1404), gave torture by cancelling the license and special power of *Hanjamana*, an important trade union, by realizing this the king of Vijayanagara Bukkaraya II, gave justice to Hanjamana and dismissed the governor Mahabaladeva Odeya¹²⁴. The governors were punished if they found guilty. There was no interference from Vijayanagara kings when the governors were ruling well. So the governors were almost independent. The sole responsibility of the governors was to rule according to the will and wish of the emperor theoretically.

Here we need to observe that the governors possessed the same status as the Maha Mandaleshwara of Kalyani Chalukyas possessed. These governors worked as a middle men between the king of Vijayanagara and people of Tulunadu. As stated by Dinakar Desai, Chalukyan empire was divided into different divisions. These divisions were ruled by the officer called *Mahamandaleshwara*. Even though they had accepted the rule of Chalukyan kings they were independent in theory¹²⁵. The same status and liberty was enjoyed by the governors of Tulunadu. In Chalukya's Karnataka the King was sovereign in principle but Maha Mandaleshwaras were independent in their divisions. In a similar way Vijayanagara's Karnataka the emperors in principle held control over everything. But in Tulunadu, governors were independent rulers. Ultimate political power was in the hands of emperor of Vijayanagar. The extended borders of Vijayanagara Kingdom was a result of military power that they had. The military was created, maintained and protected through administration. The governors of Mangalore and Barakuru were ruled in the name of Vijayanagara. They were ruling as per the wish of the king and also they were answerable to the king. But these dependency became more of theoretical aspect than the reality. Here one can apply the *Segmentary State Model* of Burtein Stein here. There were possibility when these governors used to take their independent decision based on the situation and urgency, as the distance between Tulunadu and Vijayanagara was very long. But it should be noted that these governors had to be very careful and work without challenging the Vijayanagara rulers. So there are plenty of chances where the difference between theory and practice are prevalent. Tulunadu had many Samantha kings like Ajilas of Venuru, Bangas of Bangadi, Bhairarasu of Karkala, Chowtas of Mudabidire, Ullala and Puttige,etc. They were involved in the administration of a

specified small regions but these Samanthalas were not under the rule of Vijayanagara kingdom. Though they came under the jurisdiction of Vijayanagara. Vijayanagara kings made an effort to build the kingdom by retaining the local administration, and build by expanding the existing social relations. This was an mutual agreement between the two. It could also be seen in the colonial period, but in altered form.

Structure of Feudal authority

The subjects discussed earlier describe in brief the local administrative structure from the period of Alupas to Vijayanagara rulers. The decentralization of governance and distribution of authority that took place in urban-centred Barkuru and Mangaluru is an important aspect to pay attention in Tulunadu's administration. Kings, queens, princes, and officials, who occupied different positions were actively involved in administration from central to local levels. Among the officials Heggade, Sri Karana, Sahani, merchant guilds, Settikara, Nakhara Hanjamana, Military Commander, Governors, etc., shared power with the emperor and helped him in delivering effective administration. With the help of the central power, various administrative units like *nadu*, *seeme*, *magane*, *vishaya*, *chavadi*, *guttu*, *grama*, *uru*, etc, shared the governing authority. Many local kingdoms, at this stage, also accepted the supremacy of the emperor, and played a key role in local governance. Apart from these, *maths*, temples and religious centres not only owned a huge amount of land but also exerted a determining role as affluent and influential people. They maintained a harmonious relation with the rulers and converted their base as administrative centres like the state's capital.

If observed keenly, the governing structure of Tulunadu of this period resembles feudal unit to great extent. Because the structure that has evolved here is not centred on one individual, but is distributed in many stages. Governing authority is not limited to one centre or the individual who controls it or an institution. We can observe that from centre to village level, power was shared between different people in Tulunadu's context, and all of them strived towards enriching the governance. In a sense, we could perceive it a feudal system of organization.

Feudal administrative system emerged as a concept in Europe first. It is the historian R S Sharma, who first discussed it in the context of India. Further, for the last 55 years there has been a continued debate about whether the concept of feudal set up is appropriate for

the Indian scenario. The prominent historians who participated in such a debate and analyzed the ancient Indian administrative structure are D D Kosambi, R S Sharma, Neelakanta Shastry, T.V.Mahalingam, B N S Yadav, B D Chattopadyaya, Herman Kulke, IrfanHabib, BurtenStein, Nobarukarashima, R.S.Nandi, Y. Subbarayalu, Keshavan Veluttat, and so on.

D D Kosambi observed that two kinds of feudal system were prevalent in ancient and medieval India¹²⁶. First is the *Upper Strata Feudalism* and the second, *Lower Strata Feudalism*. According to him, in the *upper strata feudalism* the powerful monarch levies heavy tribute on the subsidiaries. In the *lower strata of feudalism*, every village has a powerful land-owning class that functions as an intermediary between authorities and farmers. This class assumes greater authority at the level of villages, and wields influence on the local community with the help of its own army. And, further it also grows to the level of lending its military forces to the monarch. We can identify such feudal practices in Tulunadu. However, R.S Sharma has perceived such a feudal set up as a decentralized system in which local power pockets concretized, thereby resulting in the gradual diminishing of power of the central authority¹²⁷. He also argues that excessive land donation resulted in such an explosion of the centre.

B D Chattopadyaya opines that feudal system doesnot mean decentring, but what is crucial here is the coordination between central and local administration. Incorporating different centres of power is significant here and not to diminish a sovereignty. Feudalism involves coordinating features, not cracking tendencies.

T.V.Mahalingam embarks on a debate on feudal system in South India with Vijayanagara period as the focus. According to him, feudal set up had two features: political and economical. Politically the feudatory authorities derived both ownership of village and its administrative powers from the monarch. They indulged in loyal service to the central power of monarch. As a return, the monarch protected his feudatory officials. Economically, the influence of the feudatory ruler depended on his ownership over village land. T.V Mahalingam argues that Vijayanagara state consisted of feudal features. During this period, King was possessed ownership of all land, and he passed it to the feudatory leaders as endowment. They were required to pay a certain amount of tax to the king every year, and also supply armed forces during emergency. Such leaders

allowed farmers of the village to cultivate in the land provided. Farmers were also bound by the same rules of return that feudatory leaders owed towards the King.

Burton Stein's 'Segmentary State Model' attracts our attention while discussing about the relationship between central sovereign and local dynasties. While analyzing the South Indian politics during medieval period in a different lenses, Stein refuses to agree with the model of centralized administration¹²⁸. His Segmentary State concept was based on Chola kingdom and the same was extended to Karnataka. According to him, during the Vijayanagara period farmers possessed autonomy and villages were independent. Central power didnot exert much authority on them. It was, in fact, not powerful enough to do that. An administrative unit called *nadu* looked after the administration. Stein refused the model of feudal political authority in Vijayanagara. However, this argument has been opposed by many. Recently, Noboru Karashima and Subbarayalu have identified feudal model during Vijayanagara rule. Herman Kulke and Rothatmund have perceived the state governance of Vijayanagara as military feudal system.

The feudal tradition described above by the historians could be located in the Tuluva history as well. As the monarch held supreme authority at the centre, feudatories at the local level also possessed power in their own territory and remained loyal to the monarch. Likewise, local administrative units like *nadu*, *agrahara*, *matha*, temples, merchant class, etc., also remained independent, while having the power to execute rules and regulations in their territory. Such zones enjoyed independent sovereignty of their own. To sum up, within the kingdom, two layers of authority exercised their prerogative. Sharing power with the monarch, many official class, institutions, *maths*, temples, units at urban and rural levels, etc.,were active in state administration. This suggests decentralization political power. Structures of *guttu*, *grama*, *magane* should be observed with this backdrop itself. While we analyze the distribution of power under feudal system, we cannot also conclude that local levels of governance possessed a complete authority. Local kingdoms had to abide by the sovereign and also retain their identity at the territorial level. Therefore, we could only perceive decentralization as existing at the administrative level, and not reign of the empire. Officials could only maintain administration but not rule in person. Many a times such administrative prerogative is confused with the decentralization of ruling power.

Local administration of Tulunadu and Judicial System

Tulunadu's administration was not a centralized system. It was based on the model of decentralization. There were many stages of governance like *guttu*, *grama*, *magane*, *seeme* and *mandala*. These were important units of governance, and officials were appointed based on this set up. During the rule of Vijayanagara, most of the parts of Tulunadu were under Vijayanagara governors as well as local kingdoms. These local kingdoms were largely under Jain rulers. Important among them were Gerusoppe and Haduvalli Saluvas, Choutas of Puttige- Mudibidire, Ullala, Bhairarasa of Karkala, Bangas of Bangadi, Tolahas of Suralu, Ajilas of Venuru, Savantas of Mulki and Mulas of Bailangadi. Apart from these, Jains like Heggade and Ballalas conducted administration at village levels. For example, Heggades of Ermalu, Kapu Marda Heggade, Kattupadi Ballala, Nidamburu Ballala, Elluru Kunda Heggade, Vandara Ainadu Heggade, Erdanadu Ballala, Padumale Ballala, Panja Ballala, Bellare Ballala, Enmuru Ballala, Amara Sulya Ballala, Mardala Ballala, Injadi Ballala, Mudradi Heggade, Elunadu Heggade, Nandalike Heggade, Kantawara Heggade, Hebri Heggade, Puttige Heggade, Irvatturu Ballala, Mijaru Ballala, Manjeshwara Ballala, Varkadi Ballala, Tenkumbale Adka Heggade, Pejawara Ballala, Murnadu Heggade, Bailu Ballala, Kuluru Dore Ballala, Attawara Ballala, Niramarga Ballala, Vamanjuru Ballala, Manel Ballala, Paddayuru Ballala, Rayi Ballala, Inavalli Ballala, Amatadi Ballala, etc.¹²⁹ The non-Jain Kings who ruled Tulunadu were Alupas, Honne Kambalis of Hosangadi, Kings of Vitla and Kumbale, and so on.

The medieval inscriptions that deal with administrative division, appointment of officials, tax collection, political agreements, etc., could be deployed to understand the political governing units of Tulunadu. During the rule of Vijayanagara kings, the entire Tulunadu was geographically brought under one single central administration. Governing units like *desha*, *rajya*, *nadu*, *seeme*, *magane*, *grama*, *chavadi*, *guttu* are described in the inscriptions of Vijayanagara period in Tulu region. *Rajya*, *nadu* and *seeme* were important units of control of a wide geographical area. While analyzing the political demarcations, *nadu* and *seeme* could be perceived as equal units. To mention a few examples, Halasa Nadu *Seeme*, Barakura *Seeme*, Kerevasa *Seeme*, Bangara *Seeme*, Puttige *Seeme*, Elluru and Ermalu *Seeme*, etc. The division of *rajya* is at the same referred to as *sthala*. Here, *sthala* doesnot indicate a particular place or a political centre, but represents a region. Inscriptions have identified Mangaluru and Barakuru as *sthala*.

It is also possible that *sthala* referred to a small administrative division of a State. Some inscriptions mention that 'Bidire' *sthala* belongs to Mangaluru state. *Magane* is a part of *nadu* or *seeme*. It is a governing unit. A *magane* consists of many villages. Many villages or *uru* come together to form a *grama*. *Uru* or village is a residential area of many *okkalu* or families. *Okkalu* is the smallest administrative division in terms of *kutumba* or family. *Nadu* or *seeme* was the highest governing body. We could describe the administrative set up of Tulunadu in an ascending hierarchical order as below.

Kutumba (okkalu)-uru-grama-magane-seeme (nadu)-rajya (desha/mandaa).

Guttu performed its duties both as administrative and economical unit. Traditionally a village consisted of four to eight *guttus*. It was the responsibility of *guttinar* or *gurikara* to channelize the payment of one third of land income to the state treasury. Officials of political governance were addressed by unique names. *Odeya, arasa, dore, ballala*, and so on. The palace in which king resided was called as *aramane* and the King's authority was transferred on hereditary basis. A place where all administrative officials met was called as *chavadi*. Significant decisions of government were taken in front of the throne of this *chavadi*. *Uravaru* took the major decisions related to a village's governance. Such decisions had to be ratified by the officials of higher units. *Gramas, jagattu, mukkalde* were some organizations at *grama* level. *Gramani, madhyastha, jannani, buddivanta, tantraluva, purohita*, etc., were different designations of *grama* administration. Such people of *kattale* were only mentioned in the inscriptions of Vijayanagara kings. The social and political system of those days in Tulunadu was symbolically called as *purvakattale* or *purvamarade*. The people of *kattale* approved decisions to alter existing social and political customs. King's family was addressed as *chavadiya parivara* or family of the *chavadi*. King took decisions after a discussion with *chavadiya parivara* or members of the *chavadi*.

Seeme

A group of *maganes* constituted the larger territory known as *seeme*. This region directly under the rule of a chief called *Arasu*. The headquarter of *Arasu* was known as *Aramane*. The *Aramane* used to have same number of *gramas* and *guttus* or if the *grama* was very large it may have more than one *guttu*. For example Venur Ajila King had thirteen *maganes*, thirteen *guttu* houses. The important officials of *seeme* are *pradhani, senapathi, Rajapurohitha, Kothari* and *Senabhova* etc *Seeme* was also called by different

names like *nadu*, *rajya*, *mandala*, *sthana*. *Arasu*'s authority was hereditary in nature. At the parallel level the *seeme bhuta* enjoyed royal patronage and consequently held a place of honour and at many places came to be called *Arasu Daivangalu* as a mark of respect. On all important occasions the *Arasu* took part in the propitiation of the *daiva*. Adjacent to the *chavadi*, where he would sit for the conduct of his royal duties, it was customary for *Arasu* to provide a *sthana* for the *seeme daiva*. The chief of *Seeme* used to assume power through the ceremony of *patta*. The person, who was to be appointed as chief of a *seeme* should not have criminal background. There was an elaborate religious ceremony in which the title Heggade, Aluva and so on was conferred on the chief of *seeme*. This ceremony involved propitiation of the *seeme daiva* and offering of prayers by the new incumbent before he ascended the throne. The heads of *magane*, village and *guttu* were used to perform leading role in the coronation ceremony of *seeme* chief. At the beginning of the rites it was customary to receive the *bhandhara* of the *daiva* at the entrance to the *Aramane* and instal it for worship. As mentioned already the *Arasu* used to discuss administrative issues with members of '*chavadiya parivara*' in his *chavadi*. Protecting the interest of his citizens of *seeme* was the *Arasu*'s chief duty. He resolved the people's problem, conflict at *chavadi* in the presence of and consultation with his *chavadi* members. Different officials of *guttu*, *grama* and *magane* were also present during such sessions. Guided by the suggestions of all these members, the *Arasu* offered solutions to the problems brought to his counsel.

Magane

Magane was under the administrative unit of *seeme*. The exact jurisdiction of a *magane* is not precisely known. Several *maganes* form a *seeme* and a *magane* is union of several *gramas* or villages. The administrative head of a *magane* was generally known as *Ballala* and his headquarters was called *beedu*. Each *beedu* used to have same number of *gramas* and *guttus* or if the *grama* was very large it may have more than one *guttu*. For example Chandapparasu Kinyakka Ballala of Padubidri *beedu* had power over four *gramas* like Nadsala, Bengre, Avararu, Padebettu. Each *grama* had one *guttu*. The Mardda Heggade of Kaup eight *gramas* and eight *guttus*. The important officials of *magane* are *pradhani*, *senapathi*, *Rajapurohitha*, *Kothari* and *Senabhova* etc. Each *magane* had its own presiding *bhuta*, and in view of its association with the *Ballala* it enjoyed greater honour. The *magane bhutas* exercised same rights and shared the burden of administration of *magane* as did the village *bhutas* at the village level. At the time of *Gadi* of *Ballala*, the

rites used to be held in the presence of *bhuta*, invoked to preside and receive offerings. The *Ballala* had under his command four *magane gurikaras* and of them two were known as *bavada gurikaras*. It was the privilege of the latter to lead the *Ballala* on this occasion to his *gadi* or seat and put on the gold signet ring on his finger. The third and fourth *gurikaras* respectively presented the sword and made proclamations of his assuming the office of *Ballala*. The officials of *magane* were appointed by the *Arasu* himself. While the chief of a *magane* listened to the people's issues and adjudicate, he was assisted by the authorities of *guttu* and *grama*. As soon as an issue was brought to his notice, they first attempted to identify the *grama* to which it belonged. A *magane* meeting was held once in a year. When a petitioner's problems were not resolved at the *grama* level, it was brought to the *magane* court. After the petitioner bowed and offered his respect to the *magane* assembly, his case was taken up for investigation. Until the *gurikara* asked him rise, he remained in the kneeling position. He was also required to pay a nominal amount for the pursuance of his case. According to Gururaja Bhat, *magane* as an administrative unit came to light late in the Vijayanagara period. He refers Punjala and Mijaru *maganes* mentioned in the Enuru and Mudabidure inscriptions. According to Gururaja Bhat, an inscription dated 1562 AD found at Balpa, Puttur Taluk gives wider meaning to the term *magane*. It states that, "Sadashivaraya received Mangaluru Rajya as *amara magane* from Mahamandaleshwara Aliya Ramaraya. It looks as though in this special context the term *magane* represents the meaning that is analogous to a gift. But it becomes fairly certain that it is not in this sense the term *magane* is used in the sub-division of a nadu. That a *magane* was a sub-division of a *seeme* is borne by another epigraph which records the gift of land by Satavale Ballala of Maradodi grama in Kelada *magane*, sub-division of Achila *seeme*"¹³⁰.

Village or Grama

Geographically, village is composition of several estates or *guttus*, large and small. They have been the age-old basic units of administration and Tulunadu is no exception to it. There are guardian *bhutas* attached to the *guttus* and among them there are presiding *bhutas* also. As a socio-economic unit the village consists of persons belonging to different castes and following different occupations. Every village generally had four to eight *guttus*. The heads of *guttus* functioned as the local representatives of the rulers of the day. It was their duty to organise village level *bhuta* festivals periodically. On such occasions after due preliminaries, the *bhuta* in its temporary incarnation would speak in a

commanding tone and ascertain from these *guttu* leaders whether they are functioning in conformity with the traditions regarding well being of the village. It would dispose of many complicated disputes and cases involving violation of village rules, caste rules, and such other problems as may be submitted to it for adjudication. The *bhuta* would also tell the *guttu* leaders that it was responsible for their individual welfare and that the inhabitants of the village should be governed in accordance with its direction, stating that it would come again and again, whenever invoked.

Guttu

A unique trait of Tuluva administration was the local governance conducted by *guttus* at *grama* level. Economically and socially it played a significant role in the local administration of Tulunadu. Any social function, celebration, death rites etc., had to be performed with the cooperation of the main *guttu* house of the village, under the leadership of the *guttu* house. The *guttu* house was to be informed of the event by presenting a pair of unpeeled coconuts and beetal leaves and areca nuts. *Guttu* houses shouldered the responsibility for the welfare of the people of the village and resolving the internal struggles of the village. According to Gururaja Bhat *guttu* possessed a specified authority and *guttedara* enjoyed this authority in a hereditary mode. During the coronation of *seeme* ruler, *guttu* chiefs played a major role. Seating the king on throne, placing crown or *peta* on his head, bedecking him with crown-ring, transferring the crown-sword to his hands, etc., were the prerogatives of *guttu* people. And, the *guttedara* always belonged to the Bunt caste. Some inscriptions have said that he belonged to *masadika* Jain caste. *Guttedara* carried the responsibility of providing protection and warriors to the *seeme* King in times of political threat, and also mobilized economic resources during such times of emergency.

As mentioned earlier *Rajya*, *seeme*, *desha*, *mandala*, *sthala*, *nadu*, etc., were major divisions of administration in Tulunadu. Gururaja Bhat opines that there is no clarity about their inherent meaning, scope and limitation.¹³¹ According to Surendra Rao the clarity of meaning as carried in inscriptions and the multiple meanings assigned later have complicated a historian's task. Even if there are some opacity about *magane* and *chavadi* of local governance, it is comparatively less. While the first was perhaps a union of some village or *gramas* the second might have been a council meant to adjudicate local issues and to create a consensus.¹³² *Grama* and *uru* were more familiar divisions. If

one is a *grama*, the other is a colony within it. In the opinion of Gururaja Bhat *guttu* is a jagir house surrounded by property and was accorded specific authority. B A Saletore's attempt to equate it with the Kannada inscriptions' term *Guttige* is also concurred by Bhat.

The term *Guttu* seems to be identical with another term *Guttige*. In Tulu and Kannada languages, the term *Guttige* is used, which means a 'contract' or an 'agreement' on fixed terms for a period on a fixed rent by leaser or owner to a lessee or tenant. The *Guttu* system is the replica of feudal system of Tulunadu. It is also seen as a territorial unit of an agrarian settlement based on matrilineal kinship. As *guttedara* possessed control over land he carried the onus of paying a determined tax to the State treasury as per prior agreement. It was also mandatory for him to send foot soldiers to the *guttige* lord during emergencies of battle.¹³³ Naturally, the idea of chief of *guttus* as military generals spread across. Inscriptions mention such *guttus* as Biliyanturu *guttu*, Bagilarasara *guttu*, Marakata *guttu*, Kutumbada *guttu*, Ananta Bhandary *guttu*, Mulakantu *guttu* and Vaseya Bettina *guttu*.¹³⁴ As proposed by Gururaja Bhat the presence and functioning of Tulunadu *guttus* could be considered as a replica of medieval feudal system if not as consisting of internal feudalism as suggested by D.D Kosambi.¹³⁵

However, Surendra Rao thinks that, Gururaja Bhat's second statement is evasive in nature. We do not have to expect a replica of a feudal set up that we anticipate or do not acknowledge. In unique historical moments feudal relationships might get highlighted or get solidified.¹³⁶ In this context he quotes the opinion from March Block's *Feudal Society*.¹³⁷ According to Marc Block, internal feudalism also belonged to the spirit of feudalism due to systemic pressure and had the vicious motive of curtailing the authority of higher officials. *Guttu* as the weave of medieval politics was a part of the wide-spread feudal relationships in Tulunadu. It was a political and administrative microscopic unit at lower or local level. This resembles D D Kosambi's ideas that the researcher mentioned earlier. At the local level, *guttu* was a central political unit. For the local people, it was an immediate, tangible and nearest political administrative force.

Mohankrishna Rai compares *guttu* to the autonomous villages prevalent in medieval South India as stated by Burton Stein in his Segmentary State Model. According to him, the King's authority was only nominal in nature, and the villages enjoyed their own system of administration. He further argues that many autonomous units of farmers

existed in the period. According to Mohankrishna Rai, in the Tulunadu's context, villages were under the control of *guttu* families. Chiefs of the *guttu* managed its administration. Likewise, *panchayat* justice system also existed in these villages. As a governing unit, *guttu* was in the form of a mini state.¹³⁸ Later, while Tulunadu came under the British control, the first collector of the region Sir Thomas Munro also deployed these local traditional *guttus* to collect tax, and this indicates the prominence of *guttu* system here.

According to Surendra Rao, it is not easy to define the reason behind identifying four important families or *guttu* as active centres of maintenance although *grama* was an integral unit of governance. Such identification was not a relaxation offered by higher officials in terms of authority but was a recognition offered to people's control over land, wealth and influence.¹³⁹ In this situation, Bunts, who were active in trade in Barakuru and Basruru invested the surplus income in land ownership. Therefore bunts business capital worked behind their control over land rights. We could remember Robert Brenner's argument that agriculture-based finance was the chief reason behind industrialization in England. Commercial investment was the spurring factor behind industrial capital in England. However, there are no traces of such huge trade finance in Tulunadu. Although it is not a very appropriate comparison to make, such a thought just creeps in while looking at both sides. It was easy and strategic to identify them as revered executives of tax collection to the treasury. It also lent them a responsibility, and accorded novel political power and respect. In order to augment their status and power, boundaries of their jurisdiction were marked. The one in charge of *guttu* was called as *guttu gadipattinaye* or *guttinaye* or *gurikare*. The rule by a *guttinar* was legitimized by a tutelary spirit or *chavadi* daiva of the *guttu* house. Therefore, a *guttu* house, apart from being a political and economic unit, was essentially a religious institution. The fear of the tutelary spirit effectively foreclosed any revolt against the incumbent *guttinar*.

All these *guttu* chiefs were invariably bunt caste people. That does not mean that other castes did not have *gurikara*. They were merely caste leaders. They received a formal recognition for their respective castes and resolved issues among its members. As a deviance, bunt *guttu gurikaras* also possessed stipulated political authority as well.¹⁴⁰ Thus, honoured leaders obtained the rights to settle local disputes within their territory. It is a common sight in India that village elders sit under a tree or in front of the temple to investigate local issues. Likewise, powerful landowners also assumed the same role.

Guttinaye or *gurikare* exercising such a power is only a reiteration of that traditional practice¹⁴¹.

Surendra Rao has dealt in detail about how Bunts came possess rights over land in his *Bunts in History and Culture*. According to him it is fascinating to observe how entrepreneurial Bunts empowered themselves to obtain land. As he proposes, there was ample opportunity for the powerful to confiscate land during the pre-British period. Even during the colonial rule those opportunities continued with the approval of laws and acts, semi-legislative approvals and non-legislative accords. Rao proves such a development with plenty of factual evidence and examples.¹⁴² According to him some times *guttus* had different models like *bava*, *parari*, *balike* or *barike* and *magandadi*. It has not been possible to establish distinction between them. They appear to be subservient to to Ballala's *beedu* or estate. There were *grama guttu* among *guttus*, *magane guttu* above *grama*, and *seeme guttu* as a centre of many *maganes*. *Seeme guttu* was just next to the monarch's realm of power, he adds.

Gurikaras of *grama guttu* were honoured with a special respect during the coronation of *seeme arasu* or *magane* Ballala or during the ascension of Heggade. It was an institutional practice to bring local people into the authoritative frame by ensuring the traditional participation of *guttus*.¹⁴³ Such enactments of reverence were made hereditary. Thus, it was stage-managed to elicit not only the chief's loyalty to the King but also of his entire clan. In Surendra Rao's opinion it indeed replicated the master-servant feudal relationship of medieval Europe. It represents a relationship of support and protection.¹⁴⁴

Ballala or *arasu* required the loyalty of *guttu* chiefs, and they in turn needed a certification of local authority in the frame of larger political power. A few among them were identified as military commanders of *Munnurala* (possessor of 300 men), *Nanurala* (possessor of 400 men) *Innurala* (possessor of 200 men), *Sarala* (possessor of 1000 men) and *Aisarala* (possessor of 5000 men). *Eradu savirala* (possessor of 2000 men) and *Muru savirala* (possessor of 3000 men) cadres also existed. Perhaps *Eradu savirala*, *Muru savirala*, *Aisarala* indicated orders of Karkala Bhiararasa, Venuru Ajila, Bangadi Banga and Puttige Chowtas. The rest indicate armed troops of *guttus* of *grama* level.¹⁴⁵ In Surendra Rao's opinion, it doesnot mean that they were appointed officials of such small or large troops. Such adjectival numbers were only meant to indicate their status and not reflective of the actual number of soldiers or its actual condition.¹⁴⁶ There

definitely existed a fixed armed troop and during times of war troops were mobilised from different parts of the State. Local leaders could gather and supply soldiers as per their power and order. They could even assume the troop's leadership in person. Gururaja Bhat compares it to the Mansabdari System of Mughal period.¹⁴⁷ But, Surendra Rao believes that it differed from the Mughal system which depended on the centre for appointment and remuneration.¹⁴⁸ People were recruited according to the demand here. As per necessity, farmers were also converted into fighting warriors. Higher officials and dependent *gurikaras* shared this responsibility and power.

Apart from the recognition extended to the chiefs of *guttu* and his family during coronation ceremonies, their role was also honoured during village annual festivals or *daiva nemas*. They figured prominently on these occasions. Their presence was made mandate during festivities. It was an act of displaying them before the public present. The practice of constructing Hobali temples in Barakuru and Mangaluru and appointing *gurikaras* to those Hobalis came into existence during the Vijayanagara period. Here, Hobali is not an alternative to the State. During Vijayanagara rule, Barakuru and Mangaluru were considered as *rajyas*. Barakuru had Panchalingeshwara temple and the four major families under it were Hanehalli, Doddamane, Nadumane and Padumane. In Mangalore Kadri Manjunatha Temple enjoyed the status of Hobali, and the three families under it were Kodyala *guttu*, Gudde *guttu* and Badila *guttu*.¹⁴⁹ Hobali temples perhaps indicated important temples of major cities.

There were *sattu guttus* to assist the main *guttu* in every *grama*. It is a unit of two co-operating and collaborating manor houses. The *sattu guttu* means equally powerful *guttu* house and it occupied the second position to the main *guttu* house. Matrimonial relationship was prohibited between these *guttu* houses. Indira Hegde says that matrimonial relationship also prohibited between a village *guttu* and a hobli *guttu* house. It was also called as *samabala guttu* or *sahodara guttu* (brother-*guttu*). *Sattu guttu* shared power with the main *guttus*. There were one to four *guttus* in village, supporting the major *guttu*. Padavu Megina Mane and Padavu Naigara Mane are the *sattu guttus*, and the *gadi* ceremony in both the households is held at the same time.¹⁵⁰ Besides this there are *ottu guttus* also. The *ottu guttus* are expected to extend support to the chief of the main *guttu* house in the administration of the village, provide men to fight war and collect land revenue.

Patta and Gadi

The coronation of the *Arasu*, the chief of the *seeme* is called *Patta*. As mentioned above this ceremony involved propitiation of the *seeme daiva* and offering of prayers by the new incumbent before he ascended the throne. Then one of the leaders escorted the *Arasu* to the *pattada mancha* or throne, while another helped him to sit on it. Yet another leader gave him the signet ring. This was followed by the ceremonial delivery of *pattada katti* or royal sword. The *daiva* would then bless the new *Arasu*, whereupon a few leaders proclaimed his formal assumption of office and paid their respects to *Arasu*, followed by the rest.

According to the Tulu Lexicon *Gadi* meant, the seat of authority. This ritual related to the initiation of responsibility of politico-religious work to *magane* and *guttu* chiefs. *Gadi korpuni* or *Gadi pathuni* meant passing power to an individual, and assigning the leadership of *bhutaradhane*. It further explains the related two terms; *gadi korpuni* as- to appoint as the headman ; to give the responsibility of performing the *bhuta* ritual and *gadi pathuni* as- to assume responsibility of performing certain rituals like festival of *bhuta*. In Tulu and Tulu cultural discourse, the formal appointment of the head of a Bunt *guttu* household which authorizes him to be its spokes person along with the *bhuta* of the house. According to Sheenappa Hegde the village assembly consisted of the chief of *guttu* house; representatives of the supporting *guttu* houses or *ottu guttus*; representatives of *parari* and *baava*; palavaru or honourable members of the village panchayat; patnadavaru or caste elders of the mogaveeras; and nattillu or representatives of four billawa households. *Gadi* refers to the name of authority or power of superintendence over the above households. *Seeme Arasu* himself had to come to the *guttu* house during the event of *magane guttu's guttinar* enthronement, and take him to the temple accompanied by musical band. *Arasu* also should return along from the temple and offer *gadinudi* to the newly enthroned chief of *magane*. To become a chief of *seeme* the presence of Hobali people was necessary. The *Arasu* was supposed to give *gadi* to the Hobali chiefs as well.¹⁵¹ There was *sattige maryade* or honour to *seeme guttu*, *magane guttu* and important *guttus* of a village. *Sattige* means the decorated umbrella held behind the *arasu* during his walks.

During the British period chiefs of Hobali *guttus* were decreed (*gadi*) at the district court. The chief justice of the district offered *gadi* bangle to the appointed person and declared

that the traditional nomenclature of enthronement (*patta*). For example, after offering *gadi* to Gudde *guttu* Ramesh Shetty, Mangalore District Court decreed that, “Everyone should henceforth address Ramesh Shetty as Subbayya Bandriyal. If anyone dares to call him by the name Ramesh Shetty they will be punished with three months of jail and a penalty.”¹⁵² Amrutha Someshwara says that *gadi* maryade refers to the master-hood of *guttu*, *temples and chavadi and also the leadership of conducting daivaradhane*. To obtain authority over a demarcated territory, the concerned *daivas* had to be offered a specialized ritual called *Dharmanema*, and should be identified by the *daiva* and receive markers of authority like arm chain (*tolasarige*), shoulder string (*mungaisaropali*), ear ring (*galavonti*) and warrior knife or *bantkatti*. *Bantakatti* is small sword which has been symbol of respect and authority of the royal bunts. The members of *guttu* family also received honour of *gadi*.¹⁵³ Although the practice of offering *banta katti* to the enthroned individual does not exist now, during *dharmanema* the chief *daiva* touches the tip of its sword and pronounces him the chief. *Daiva* addresses the appointed person as *madumaga* or bridegroom. Its utterance “you grasp my sceptre (*gadi*) and I will reside on your tongue” reminds us of *gadi pattinar* as the representative of *daiva*¹⁵⁴. The person with *gadi* title receives special honour from the *daiva* in *bhutaradhane* in which *bhuta* blesses the appointed chief. The name of a particular *guttu* as per its customary practice continues. The name of its first chief is retained throughout. It is called as *alayada pudar* or preordained name. *Alayada pudar* thus remains permanently among its family members. There are specific *patta* names used to refer to the head of each *guttu* at all *magane* and *grama* levels. Mulki rulers ordained name is ‘Chennaya Savanta’ and ‘Dugganna Savanta.’ While one generation is enthroned in the name of Chennaya Savanta, the next is called by the name of Dugganna Savanta. In Nandalike he is referred to as ‘Pergade.’ In Tokuru *guttu* of Pejavara *magane*, the chief is ordained in the name of ‘Alva.’ In Kodiyalguttu the chief of the *guttu* was called Devu Shetty. It was also called *Bangarguttu*, because the field of Kodialguttu once yielded golden crops. The sealing name of authority is given during the ritual of coronation. This practice is called as *parappu leppuni*. *Para* in Tulu means old. The chiefs of each *grama* or *seeme* continued with the tradition of assuming the names of their respective territory while receiving the reign of authority. Regarding the social matters the *guttu* houses also enjoyed certain powers. If someone wants to leave the habit of prostitution, he needs to just visit a *guttu* house, appear before the deity of the *guttu* house, offer his gift of money

into the treasure-chest of the deity, and provide things necessary to make an offering to the deity.¹⁵⁵

***Guttu* and adjudication**

Guttus are village level administrative units. They exercised control over village's political, social and religious aspects. *Guttu* chief was a respected official who collected tax and offered it to the state treasury. Their status and authority was displayed through territorialisation. They possessed the right to resolve conflicts within their territory. Principally, *guttu* chief enjoyed judicial power.¹⁵⁶ However, there were some restrictions to his power. For example, he couldnot pronounce death sentence to any culprit. He exercised authority as a part of the institutionalized system in villages. His judicial powers were also affirmed by the village *daiva*. In fact, judicial concern is an integral part of the structure and spirit of *bhutaradhane*.¹⁵⁷ (This aspect has been discussed in detail in chapter 6). As mentioned already, most of the *guttus* in villages belonged to Bunt families. While they had contacts with the larger political organization, at the local level they possessed nominal power. They were symbols of the feudal set up. The manner in which they have figured in the village *panchayats* indicates them as regional residues of power. Sometime they themselves were the *panchayat*. They had the capacity and aura to represent the village's morale. The *dharma chavadis* of *guttu* that had connections with the divinity of *daivas* that were omniscient, merciful and disciplining characteristics had identified traditional Bunt households as the sole residue of justice.¹⁵⁸ Kodiyala *guttu*, Ammnunje *guttu*, Nandalike chavadi, Tingale chavadi, Kanajaru chavadi, and so on, were famous *dharma chavadis*. These *chavadies* acted as quasi-judicial bodies. There are many households that bear the name, *chavadi*. The *chavadi* had a space to seat 50 to 100 people. It was used as the court to decide disputes in the past. It was a place of assembly also. The *chavadies* of most *guttu* houses used to settle disputes and the meetings of the village councils also held there. The swing and ritual objects of the *bhutas* of village and family were kept in the *chavadi*. The *yajamana* of a *guttu* decreed sentence in all local cases as per his understanding of things. He was not only an acknowledged force of authority but also was in principle endorsed by the *daiva*.¹⁵⁹ While locally temple management gave sufficient publicity to Bunt leadership, *bhuta* or *daivasthana* have since ancient times been in the control of Bunts. They have traditionally been *bhuta* worshippers. *Bhuta* shrines were under their maintenance.

Village *bhutas* or even family *bhutas* purview of authority extended well beyond village or houses. Entire village was responsible for such deities.¹⁶⁰

Despite that, the village as a whole preferred the concerned Bunt family to speak on their behalf with the chief deity. In fact, in many places *guttu bhutas* were themselves village *bhutas* as well.¹⁶¹ This not only provided resources and responsibility to the Bunt *guttu* leadership, but also lent an accepted ordain to the village authority arrangement.¹⁶² As *bhutas* were the protecting spirits of the village, they depended on Bunt leadership for daily observances and annuals offering. Many aspects of *bhutaradhane* affected and determined the structure of society. The adjudicating powers of *daiva* strengthened similar powers of the *guttu yajamana*.¹⁶³

Tokuru *guttu* of Pejavara *magane* was popular for its judicial responsibilities. Shirva Nadibettu house held a lot of social and political power in medieval times. It's 'Court' enjoyed the power of approving or rejecting the excommunicating orders and re-accepting the excluded people.¹⁶⁴ Mangalore's Kodiyala *guttu* was one such ancient family. During Vijayanagara period when Tulunadu was administratively divided as Barakuru and Mangaluru rajyas, the local adjudicating authority was divided between different *gurikaras* and their household. Mangaluru Hobali of Mangaluru State was handed over to Kodiyala, Gudde and Badila *guttus*. Kodiyala *guttu* among them enjoyed the honour of managing the Kadri Manjunatheshwara temple and adjudicating justice.¹⁶⁵ The *chavadi* of a ruler was the higher authority, overseeing the admiration of many villages and it was called *Arasu chavadi* or royal court or righteous court. Nandalike *chavadi* is the most celebrated *guttu* house of Tulunadu among the more important Bunt houses. It seemed to have ruled over six *maganes* that included Nandalike and Kedinje, with the backing of the Vijayanagara rulers.

Ajalu

Ajalu referred to an administering group that looked after day to day activities of a *seeme* or *magane* or *grama*. The aggregate of a village governance was called as *ajalu*. In *ajalu* system all the castes assisted the chief *guttu*. Although *guttus* were at the pinnacle of village administration, it consisted of the entire *ajalu* in terms of governance. The system of *ajalu* is based on hereditary arrangement. As *ajalu* power transferred from generation to generation, each time a *gurikara* is required to be elected. As we mentioned in the earlier pages there are two modes of officially assuming the administration of a *grama* or

seeme. First is a village authority through *guttus* which is called as *gadi* and the control of *seeme* is declared through *patta* or coronation. The *gurikara* houses under *ajalu* also assume responsibility through *gadi*. It is done during annual *daiva kola* of village or *magane*. The *dharmanema* conducted during a Bunt's or Jain's *gadi* is not followed in the case of others.¹⁶⁶ A practice of reserving some land to the *ajalu* families for offering service to the village was also maintained and it is called *umbali*. Such landholdings were especially given to Brahmins, Billavas and Koragas. The families without *umbali* or land was compulsorily offered paddy by the village *guttu*, *beedu*, *barikes* and all farmers. That paddy was called as *padidana*.¹⁶⁷

Patteri Koota

The assemblage of a village authority is called as *patteri koota*. As it was a village council, all the members of *ajalu* participated in it and represented their castes. Although it functioned as per the directions of *guttu*, every member's co-operation was necessary here. Members of *patteri koota* played a major role during all activities around village deity, temples and *daivasthanas*. During such festivities, the traditional households of village or *magane* participated.¹⁶⁸ The houses of *patteri koota* were called as *ajalu* houses. Irrigational activities were conducted with the help of *ajalu* members. Judicial proceedings of the village were conducted under the guidance of *ajalu*. Such gatherings were generally conducted in the courtyard or *chavadi* of the village governing house. People of low status sat either at the Bakimaru field in the front or in the inner yard. Meetings were conducted as per the village norms. All villages didnot follow similar norms or proceedings.¹⁶⁹

The cases not resolved in the *patteri koota* were settled by village diety or *rajan daiva* or *arasu daiva* of *seeme*. During the ritual offering to *arasu daiva* at *Sajipa grama* a specific responsibility is assigned to all houses of *ajalu*. *Arasu daiva* here represents the reigning chief.¹⁷⁰ Chief of the Purohit household or *Tantri* lends his suggestion to *grama guttu*, *ottu guttu* during *patteri koota*. But the *seeme* king was not a part of such *patteri koota*. However, he could attend, if a special invitation was extended to him. Most of the village conflicts were resolved on this platform. If not resolved, such cases were presented during *daiva darshana*. If a case is not resolved even before the deity it was finally interdicted, as appeal to *magane* or *seeme* was prohibited. *Patteri koota*'s adjudication had attained a lot of significance and was highly effective. Disputes were

decided and resolved at the meeting held in the verandha of the *guttu* house whenever there were disputes among the members of the family or disputes among the caste members. The members of lower castes connected to village administration and the members came under *ajalu* system would assemble in front of the *guttu* house to resolve disputes. Since the guardian spirits or *satyolu* are installed in the verandha of a *guttu* house, the decision announced in the verandha and swearing the person does in front of the noble spirits create psychological pressure on the disputant person. After swearing in front of the noble spirit, if the person goes back on his commitment, or has told lies he would develop psychological problems. There was no access to others into the inner courtyard of a *guttu* house. There were bench-like structures on either side of the main entrance to a *guttu* house, besides such structures were also found in the *magane guttus*.¹⁷¹ English traveller Frayer had visited the coast of Karnataka in 1673 and he has mentioned that as the people here followed a good judicial system and obeyed them, he could travel on foot everywhere without guides.¹⁷² As *patteri koota* was held in front of deity's *chavadi*, it kept the conscience of the residing deity always awake.

According to K G Venkatesha Jois, Keladi ruler's justice system was one of their village council responsibilities. The chiefs of village council adjudicated on all petitions. It decreed on all small issues brought before. The cases beyond their control were resolved by the King himself. King discussed with ministers and other palace elders while passing the verdict. Every village had four *guttu* people to adjudicate issues. What was not resolved by the *guttu* was carried forward to the *magane*. Every *magane* was a group of four elders.¹⁷³ *Guttu* chief acted as the judge and offered verdict. If anyone refused to abide by the *yajamana's* verdict he had to finally bow before the presiding deity's adjudication. Failing to comply, a punishment called *nittu* was imposed on the culprit. If he refused to acknowledge this punishment, he was excommunicated from the society. Both villagers and his family were barred from offering him anything to consume.¹⁷⁴ At every stage *guttinar* acts as a representative of the deity in Tulunadu. Therefore deity's verdict is considered final here. An oath stone or *mantame* (*pramana kallu*) was generally maintained in such places of adjudication. Accused were expected to give their statement while touching the oath stone or step of the deity's threshold. Deviating from truth while touching the oath stone will result in deity punishing the culprit is a major belief in the region. In Kulalu family of Kolanadu village in Bantwal Taluk the *mantame stone* or *pramana kallu* is still existing in the adjacent area of the kambala field.

No one could question the decisions of *patteri koota*. King of the *seeme* was also bound by those verdicts. Even if it is within his own territory, the King had to abide by the *patteri koota*. Two examples are reproduced by B A Saletore to prove the traditional regulations of those days.¹⁷⁵ First, in Karkal *seeme*, Puttige *seeme guttu* was the most powerful *guttu*. The chief of the *guttu* was a minister of the Puttige ruler. He possessed administrative and judicial powers. The Chowta ruler of Puttige could not take any decision without the consent of the chief of Puttige *seeme guttu*. There were twelve *maganes* under the control of Puttige *seeme guttu*. Secondly, there was a *guttu* called Varapadi in Mulki region, and Guddesthana was a very famous *daivasthanam* here. It was a *magane* temple and its administration was in the hands of Varapadi *guttu*. The priestly role of ritual offering was in the hands of a Billava family called Naiga. When a *yajamana* assumed his *gadi* role in Varapadi *guttu*, the Naiga of Guddesthana also was bound by some custom and regulations. The same person who was bound by the customs was traditionally called as Naiga. Gudde sthana's Naiga was one of the military commanders of Mulki.

B A.Saletore records about the conflict between Varapadi *guttu* and Naiga of Gudde sthana in 1925AD. For some reasons the *patteri koota* members snatched the hereditary title away from Naiga. As Varapadi *guttu*'s *yajamana* was the key figure in that *patteri koota*, Naiga's prerogative was handed over to one another Billava family, and they were declared as Naiga of Guddesthana. Immediately, *guttinar* of *magane* intervened and reinstated Naiga's power to Gudde sthana Billawa house. Mulki king and people of *magane* stood in their support. However, *patteri koota* didnot accept the reinstallation of authority to the earlier Billava house by both *magane guttinar* and the king. The Billava they overthrew was not allowed to conduct Guddesthana's rituals. Mulki King banished the entire *patteri koota*. He also decreed that no food and water should be supplied to the village. The situation worsened with this prohibition. *Patteri koota* debated the validity of King's order itself. The *koota* concluded that King's decision to reinstate the Naiga without taking village *koota* into confidence was a mistake, and that prohibiting the *patteri koota* of people from villages was an error as well. The King was imposed with a fine of eight *ana* for not abiding by the dictums of *gramakoota*. Although someone else paid the penalty levied on the King, his ban on the *patteri koota* was not executed. This instance exhibits the authority of *patteri koota*.

Above incident records the supreme authority of *guttu* house and *patteri koota* in villages. The *guttinar* of *patterikoota* was referred to as *palava* by the concerned houses. Even if it is a King's son, once he starts residing within the premises of a village, he was bound by the regulations laid by particular *patterikoota*. Bunts played dominant role in the village councils. Though bunts presided over *Patterikootas* to award punishments, among those who were punished, there were bunts as well as close confidants of the bunts belonging to lower castes. The inter relationship between *guttu* and village residents is described thus by Peter J Claus: "village headman is equivalent to the chief of a family. If cultivated land is the area of *grama yajamana*, its dependent families are his citizens. There were heavenly beings for village protection. Like the head of a family, village chief also has the responsibility to preserve its prosperity. He has to appease the *daivas* who help against the onslaught of unearthly forces. Maintaining unity and order among different communities within his territory is the onus of the headman of the village."¹⁷⁶ He further says before the capital punishment awarded by the Mangalore District Court was to be executed, the chiefs of *three guttu* houses like Kodiyal, Gudde, Badila were required to be present in the court. They had the power either to rescind the order or allow it to go. When *Patel* system was introduced the powers of the courts of the *guttu* houses were assigned to the village *patels*.

In the case of town areas like Barkuru, Mangaluru, Karkala, Basruru, Venupura or Venuru, and so on there were Municipal Courts of lower level. Municipal members conducted its proceedings. They were called as *halas* and its chairman was called as *adhyaksha*. Cases related to the general administration of towns were investigated here. Cases pertaining to business transaction were resolved by *settikaras*. *Settikara* and many affluent Jains were merchants.¹⁷⁷ Both these were merchant organizations. There are many references to *settikara* in inscriptions. For example, eight *settikaras* of Badige city,¹⁷⁸ sixteen *settikaras* of Venuru,¹⁷⁹ many *ayivas* of Barakuru Chowlikeri, three *settikaras* of Muru Keri,¹⁸⁰ sixteen *settikaras* of Hattu Keri,¹⁸¹ three *settikaras* of Manigara Keri.¹⁸² *Halaru* are not mentioned in number. They held responsibility related to donation and were mentioned in the inscriptions. *Settikaras* donated and also were together with *halaru* in permitting donations.¹⁸³ *Hala* word is directly indicative of merchant community, and in the case of Muslim merchants it is mentioned as *halas* of *hanjamana*.¹⁸⁴

The concept of Justice as seen in the Inscriptions of Tulunadu

The *shapa vachanas* or curse speeches found in ancient Alupa inscriptions show that Shivalli was considered as sacred as Kashi.¹⁸⁵ Alupa King Ranasagara's (760-800 AD) eighth century Udyavara inscription mentions that if Shivalli, Varanasi and Banavasi were destructed, the sinner would face the consequences of *panchamahapataka* (sinner of five great sins).¹⁸⁶ The major punishments as mentioned in the inscriptions were fines and excommunication. There are no references to sentencing the guilty with capital punishment.¹⁸⁷ Gururaja Bhat in his book has recorded some of the punishments carried out during pre-colonial period.¹⁸⁸ They were: fifty one *gadyana* as a penalty if terms of donation were overruled; fiftyfour *gadyana* had to be paid as a penalty if the sword was half pulled out of the sheath to threaten. On some occasions the amount of penalty also was raised to five hundred *gadyana*. It is decreed that if the entire sword is drawn out of the sheath to threaten someone, he had to pay one thousand *gadyana*. If the donation promised to deity Kadri Manjunatha was not fulfilled, one thousand *gadyana* was levied as a punishment. If a building was raised in restricted areas, one had to pay the penalty of one thousand two hundred *gadyana*. Violating merchant agreements invited a penalty of one thousand two hundred *gadyana*, and one hundred *gadyana* was the punishment if fishing was conducted in Hutturu Temple. Double penalty and Triple penalty are also mentioned in the inscriptions. Double penalty meant paying penalty amount to the King and the deity; and triple penalty was to be offered to the King, the deity and to the village.

Many inscriptions of Tulunadu warn that any violator of rules, regulations and customs and practices will be banished from the village by a particular *bhuta*. For example, 1431 AD copper inscription found in Ullala, states that "Ullala *daiva* and lord Somanatha will punish you and your progeny." It is said in the context when Banga Rani Vithala Devi failed to fulfil her promise to Chowtas that she would hand over Ullala in return for their assistance to Bangas in defeating Kumbale King. Further, in the only copper inscription of Shirva of Alupas it is said, "if you fail to comply with the agreement you will be punished by Nandalike *daiva*." According to Udyavara inscription, if anyone hampered the rituals offered to Vinayaka, Nandalike and Ninjakuru *daivas*, he had to pay 24 fertile lands as penalty. It was a very stringent punishment, and so people never indulged in such acts.¹⁸⁹ It is worth to observe here that penalty was generally paid in *gadanya* or in the form of rice. Two matters could be understood here: that rice was a very valuable

good in those days, and that rice was the staple diet of people. Further, paying 500 or 1000 *gadanya* was not an easy thing for a common individual. If they failed to pay the stipulated amount, they had to serve the King throughout their lives. Therefore, levying penalty on people was scarier than pronouncing death sentence. In this background, we could perceive that there is no reference to capital punishment in inscriptions.

Inscriptions record that a strange punishment was imposed on murderers in medieval period. To quote an example, according to 1515 AD Ratnappa Odeya's Mudabidire inscription a murderer had to spend seven days with the victim's family. It was a very humiliating scene and an unbearable punishment. Although some sentences were simple in nature, they intended to reform the culprits.¹⁹⁰

We could observe a relationship between temple management and judicial proceedings in medieval Tulunadu. Officials titled *sthanapati* and *karta* figure as temple superintendent in many inscriptions of that period. Furthermore, some officials who served in the State administration also participated in temple management.¹⁹¹ Ample light on this aspect is thrown by 1204 AD Mangalore inscription found during the reign of Kulashekhara I. As recorded here, if officials failed to perform their duties towards Bankeshwara temple of Mangalapura, they had to undergo the following punishments:¹⁹²

Tantri of ritual bath (*Snanada Tantri*): *Tantri's* should perform thier eleven stipulated duties between dawn and dusk ritual bath. If failed, they had to pay a penalty of 10 ½ *honnu*.

People of *pada moola*: They should unfailingly bring the rice to be used for victuals, and it had to measure the exact quantity. Failing which a penalty of 5 ½ *honnu* was levied.

Adhyaksha or chairman: Every day's narrative stories should be repeated. A punishment amount of five and half *honnu* if missed.

Senabhova: He had to record if all the above mentioned officials performed their stipulated duties. If he failed to write it down, a penalty of ten and half *honnu* was levied.

Adhikari or Official: He held the responsibility to punish all the above mentioned people if they failed to perform their tasks. He also had to offer oil to *nandadeepa* (undying lamp). Neglect of his duties resulted in a penalty of ten and half *honnu*.

Official of the store: He should offer rice for Brahmin meal on worship day and oil during Shivaratri festival. If abstained from his duty, he had to bear a penalty of ten and half *honnu*.

Kutaduva bakanangeyar: They were the *devadasis* who performed before the deity. If they didnot arrive in the customary honour, they were punished with one *honnu*.

Further, inscriptions record that if Datta Mangala officials failed to fulfil customs of dawn, they were levied with a fine of one hundred and one *honnu*, and if 'Asranna' missed lighting the lamp every day in the temple, he was fined with ten and half *honnu*.¹⁹³ The King was responsible for looking after the above mentioned tasks of different people. Repercussion of his failure to perform duties is thus mentioned in the inscription: "If he doesnot oversee the performance of such duties, it bears the crime of killing thousand *kapiles*(cow) and thousand Brahmins in Gange Rameshwara."¹⁹⁴

It is very difficult to find much information on the judicial practices of medieval Tulunadu from the inscriptions of those days. Excommunicating culprits from their caste was the prevalent practice. Also, any punishment meted out to a person depended on the caste to which he belonged. For example an inscription of 1204 AD during Kulashekara I's reign, thus lays down the mode of punishment to those violating the rules of giving donation: "among four castes if a Brahmin commits... excommunication from four castes; if a Setty commits... he will be prohibited from all wealth; if *okkalu* commits... a fine of one thousand *honnu*."¹⁹⁵ Small scale crimes were generally fined with *honnu*. Inscriptions say that, even the King was not out of the purview of punishment.

Inscriptions claim that during Alupa and Vijayanagara rule, the sovereign responses with utmost concern to the problems of common people, and possessed a strong sense of justice. During the reign of Alupa king Veera Soyi Deva Alupendra (1315-25 AD) people of Bannanje in Shivalli submitted a petition of five demands. Responding to the petition in a positive manner, the Alupa king donated thirty *gadyana* to Bannanje region, and one *gadyana* to *haadi* and the temple at Taare Gudde.¹⁹⁶ An inscription found in Hattiyangadi of Kundapura taluk records the reconstruction of a burnt Basadi by Virugappa Dannayaka.¹⁹⁷ Saligrama inscription of 1469 AD mentions that three hundred Kati-Varaha *gadyana* was given to the people of Kota village. This donation was handed over based on the request of fourteen tribal people and Heggades.¹⁹⁸ They represented a

mahajagattu of ten thousand people. *Jagattu* was a council of local administrative body. There is no clarity about if *jagattu* represented a particular community or the entire population of a village. *Mahajagattu* was a larger body controlling and directing many *jagattus*. Like *mudime*, 'Heggade' was also a nomenclature of village officer.

Some of the inscriptions of Vijayanagara period describes the judicial verdicts given in those days. The governors also misused the power enshrined in them. In 1405 AD Barakuru's governor Mahabaladeva Odeya harmed the position of merchant guilds like Nakhara Hanjamana. In the leadership of their local officer, they complained against the governor to Vijayanagara ruler Bukkaraya II. The king appointed another governor Bachanna Odeya to look into the complaint lodged. Bachanna investigated and realized the truth behind merchant's complaint. His investigation resulted in the merchants regaining their lost material. In addition, as a compensation for the trouble and mistreatment they had to undergo, they were donated with land.¹⁹⁹

Similar incident also took during the governorship of Thimmanna Odeya in Mangaluru rajya. Deploying the military forces he had under his command, Thimmanna targeted the Nakhara Hanjamana merchant guild, and burnt down many *palli* or mosques under their maintenance. Enraged King Devaraya I reinstated Hanjamana's claim over mosques, and warned against any such violence towards Hanjamana community. In addition, as a compensation or *manya parihara* they were exempted from paying tax.²⁰⁰ In order to ameliorate his injustice towards the Hanjamanas and as per the monarch's dictum, the governor donated land to the Nakhara Hanjamanas in the presence of his ministers, Bangas, Chowtas, Ajilas, and so on. The Kodialbail inscription of 1419 AD records this incident.

According to Chanthar inscription of 1442AD in another incident, governor of Barkur Chara Timmanna Odeya plundered and burnt down the house of Brahmavara village division or Adivasa officer or *gramani*. Unfortunately, immediate justice was not provided in that case as the weak king didnot take any action against the governor. Inscriptions record that the governor who assumed office later ensured justice to the victim.²⁰¹ However, there is no mention of the unjust arrogant governor being punished for his crimes. Change in the governor's position itself was perhaps the punishment meted out to him. Dispute, between village officer and governors was a common phenomenon during the Vijayanagara regime. Inscriptions point that such disputes

resulted in violent acts from the enraged governors. Emperors administrative fashion was not always accepted by his citizens. Such incidents were indicative of people's protest as well.

Apart from the conflicts between ruling authority, citizens and merchant guilds, there were many disputes between merchant guilds with regard to business transactions. Due to a lack of harmony, many violent incidents took place pertaining to Barakuru town. Merchant activities that was prevalent since much earlier times was also barred due to the same reason. The then governor created a set of regulations to maintain harmony between those two groups. The Hanjamanas of Barkur were a body recognised by the state contractual powers, which fact revealed in one of the inscriptions dated 1475 A.D. It records an agreement between the Settikaras of Barkuru and Nakhara Hanjmanas on one side and Ballalas, Mudilas and the people of of Niduburu on the other about the boundaries of their lands in Vodevura, while Vitharasa Odeya was governing Barakuru rajya.²⁰² The thought of avoiding repeated disputes and resolving them amicably is significant here.

In medieval times when a servant of the state died, his hapless family was provided with some compensation, and it was considered as imparting justice to the deceased. If the deceased person and his family was ignored by the masters, it was considered as a disrespect and injustice to him and his dependent family. In Tulunadu under Vijayanagara rule, people who laid their life for the state were not only memorialized but also provided with compensation as informed in the inscriptions.²⁰³ The Sastaveshwara Temple inscription of 1383AD of fifth Governor Jakkanna Odeya of Barakuru rajya mentions the death of Shiva Nidambura's father Anna Nidambura while performing his duties as a state servant. As a gesture of compensation, the King relaxed the land tax from Pejamanguru, Kutsahadi and Yaludampalli villages to be paid to the palace by the deceased's son. Even a heinous crime like human murder elicited a very common punishment during the Vijayanagara rule.

According to 1347 AD Keragal inscription, Brahmins were murdered by some citizens. As a way to atone the sin it was prayed under the leadership of governor Maleya Dandanayaka that donation will be made to *trimurthi* gods.²⁰⁴ As recorded in Basruru inscription of 1444 AD, *nakhara* people of Dharmapattana of Barakuru state killed two individuals of their own community. This crime was punished with a penalty of paying

1/3 of their total material income to the renovation of Mahadeva Temple, and the rest of the income was prohibited from being utilized for any other purpose.²⁰⁵ This event took place when Charada Timmanna Odeya was the governor.

According to Koteshwara inscription, when Ekadala Khan assumed the post of the governor, many brahmins and cows were already slaughtered during *Kodi habba* or Kodi festival in Koteshwara. That desecration of temple and discontinuation of pooja were atoned by paying land tax by the villagers. An inscription was circulated demanding the amount collected through land tax to be utilized for reinstating the temple to its original condition²⁰⁶

When a Basadi was burnt down at Hattiyangadi in 1388 AD, a person called Virugappa Dannayaka re-established it and extended protection so as to avoid its repetition.²⁰⁷ As per another inscription, a crime of utilizing the charity given to Kundapura Kundeshwara for a personal cause was committed. The culprit Senabhova was ordered to pay a penalty tax and return the charity money. Thus the amount was reinstated to the temple.²⁰⁸

According to Krishnamatha inscription of 1437AD, once Udupi Shri Krishna temple belonging to Shivalli village was attacked for political causes. This resulted in discontinuing all the rituals in the temple, and the location of deity was also changed. Barakuru governor Annappa Odeya's onslaught on Shivalli village was the reason behind. Eventually it was resolved after donating many offerings to the temple.²⁰⁹ It was also supported by the King Devaraya II. Thus, crimes like the above, administrative disputes, errors committed, issues related to land ownership etc, were resolved in the presence of both the parties. Cases were investigated for their veracity, and resolutions were offered through compromise and reconciliation. If not, like in other contexts, they had to pay a penalty to the deity.²¹⁰

As per the Uppuru inscription of 1536 AD Barakuru governor Kondappa Odeya attacked Uppuru village, dishonouring women and slaughtering men through the attack. He also burnt down Brahmavara village officer's house. Forceful collection of tax could be the reason behind. He was removed from his position as a punishment. Before being ousted from his office he had donated a certain tax amount to one villager as a redress. He was replaced by Pandarideva as governor later. Apart from this incident, there is no record of a harsher punishment anywhere. Change of the governor in itself was perhaps the punishment for his crime. Only here we witness that the administration functioned with a

sense of responsibility.²¹¹ In another incident, when a governor called Acchappa Odeya misbehaved with a Setty woman, people of the village resisted and complained against him. The case was resolved after paying the amount collected for palace expenses as compensation.²¹²

According to the Barkur inscription of 1430AD of Immadi Devaraya's inscription, during the rule of a governor called Chandarasa in Barakuru state, there was a conflict between Mudukeri and Chowlikeri about the distribution of goods imported from across the ghats. The case was resolved by the mediation of Chandarasa when he gathered five people or five Halas from Chowlikeri and three Settikaras from Mudukeri to discuss the issue.²¹³

Temple – Court

The institution of temple was evolved due to the necessity of the society in the period of puranas, and later by becoming devotional centres converted into part and parcel of our life. People venerate temple as an auspicious and holy abode where they witness symbolic divinity of God. As residents of twenty first century when we imagine ancient Tulunadu's temples as court of justice with the help of inscriptions, a very distinct picture appears before our eyes. Although there are temples today, their social and cultural significance is reducing day by day. They no more appear as centres of socio-religious life. In ancient times, they were not only centres with a lot of spirit but also cultural centres that led the entire country. The role of temples in the administration of the *nadu* was a very important factor. A *seeme* or *nadu* temple was a regulator of the morals of the people, a place of social harmony and understanding, sometimes a court where final judgement in cases of appeal to the ruler was decreed and ultimately, a refuge to the soul. Inscriptions abound with instances, which record the judicial role played by the *seeme* temples. Any breach of the *nadu* regulations or community traditions or any act of violence or vandalism would be followed by the imposition of fines on the culprit to be paid first to the *seeme* temple and then to the ruler. In certain cases, the wrong doer was prohibited from taking in any part in any of the activities of the *seeme* temple, which happened to be serious social disability. As mentioned in the earlier pages during Vijayanagara period the practice of setting up Hobali temples and appointing Hobali *gurikaras* in Barkuru and Mangaluru came into existence. There is Panchalingeshwara temple in Barakuru and four *gurikara* bunt houses were identified.

They were: Hanehalli, Doddamane, Nadumane and Padumane. Mangaluru's Kadri Manjunatha temple was also converted into Hobali temple. The three *gurikara* Bunt households were Kodiyala *guttu*, Gudde *guttu* and Badila *guttu*. These prestigious Bunt households also held quasi-judicial powers in the temple.²¹⁴ In Surendra Rao's opinion, the relationship between temples and *gurikara* houses was noteworthy in terms of judicial administration. It had further enhanced the *gurikara*'s power as they functioned at the behest of mankind's highest seat authority, the deities. It had lent them closer to temple administration.²¹⁵

Generally temples are described as brahmin institutions. Their elevated status is seen in terms of brahminical systemic practices and accepted customary behaviour. However, as social institutions, temples evolved by the influence of earthly forces. They are centres of economical and social power. Charged by local uniqueness, they have functioned as man made centres of culture. The social significance of temples is not exhausted with the brahmins attaining worship prerogatives and its resultant recognition. Its administration is larger than the worship of presiding deity.²¹⁶ Along with maintenance it also seeks material prospects of the temple. While organizing festivities a co-operation between social and economic forces is mandatory. With this background, in the institutional structuring of temples many important ones like Kateel, Nilavara, Mandarti, Polali, Mundkuru, Kadri, Vamanjuru were under the control of traditional Bunt *guttu* families.²¹⁷ Bunt houses were centres of economic and social power. While Brahmins expected this power to be extended to the temple management as well, Bunts accepted the brahminical scriptural practices. It also lent a heavenly approval to the adjudications of Bunt *guttu*'s *yajamana* or chief.

An official called *sthanika* managed the judiciary related matters in temples.²¹⁸ He was called as *sthanapati*, and was in charge of the temple. Such *sthanikas* played a crucial role in the life of village. Any major event in the village has to be conducted in the presence of *sthanikas*. Generally he used be from the Brahmin caste. However, B A Saletore has opined that not all *sthanikas* were Brahmins always.²¹⁹ Adjudicative proceedings were conducted in his presence in the temple complex. Inscriptions have identified *sthanikas* as '*sthanika* of god,' '*sthanika* of Grama' and '*sthanika* of city.'²²⁰

As there is hierarchy in modern judiciary, hierarchy existed in the temples as well: *seeme* temple, *Mandala* temple, *grama* temple, etc. Problems were resolved according to the

rules laid down by the respective *sthanikas* of each stage. Cases not resolved in the presence of *sthanikas* were brought before the King. Furthermore, more cases were solved before the deity in Tulunadu's temples. People expressed their problems before *darshana patri*, temple chief or *sthanikas*. For example, such sessions are conducted on every Friday in Janardana Mahakali temple of Ambalapadi in Udupi. The entire State's people find solution to their problem in this platform. To add more, people's issues are resolved occasionally at Kadiyali Mahishamardini temple, Kunjaru Durgadevi temple, Uchhila Mahalakshmi temple, Kajuru Panchalingeshwara temple of Belthangady , Kalkuda shrine at Nilawara Mahishamardini temple, and so on. Thus, temples functioned both as social and as religious centres in Tulunadu. Religion always paves way for an individual's well-being or *moksha*, as it is only individual who can attain *moksha* and not society as a whole. This belief worked behind converting temples into judicial courts.

Commitment to justice in the pre-colonial judicial system

The justice system of pre-colonial period appears as a part of the politically centralized power and hierarchies based on caste. Justice in such a system was only confined to the perception of justice of the King and his courtisans. Therefore, it is essential to understand any justice offered as adjudication pronounced by the King and his family on behalf of political and administrative system. So the administration of justice could be understood as the decision given by king and his associates in favour of the political system, preventing conflicts between castes through advocacy of harmony and friendship, perpetuating the caste based social order. Under such system the nature of administration of justice and the promotion of social harmony get distorted. Maintaining the customs (*purvakattale*) of politics and political system, propagating harmony between different caste groups, protecting the *varnashrama dharma* were some of the chief duties of administrative set up. In such a system the conceptualization of adjudication and principle of unity varied. It is evident that Tulunadu's history was in favour of the ruling, of loyalists to the King and of the upper strata. Even in the creation of history we could only notice a male-centred stream of thought. A sensibility in favour of the male and male supremacy is not only evident in history but also in cultural, social and judicial systems.

The justice system described in inscriptions was loyal to caste and creed. Even if a culprit was excommunicated from his caste, the punishment meted out to him was

commensurate with his caste status. One inscription records about four castes, which indicated four *varnas*. Brahmin, Setty, *okkalu* are referred differently, and different punishments were meted out to them.²²¹ Punishments of mentally unbearable torture were given to different castes. Excommunicating Brahmins from caste, keeping *vaishyas* out of their clan status (*bali*), levying penalty of 1000 *honnu* on utterly poor *shudras* or *okkalu*, etc were the usual practices of reprimand. By invoking the language of sin (*shapashaya*), the conscience of people was evoked against injustices. They were warned that crimes like a Brahmin's murder and cow slaughtering will amount to greater sins of *panchamahapataka*, and were similar to the sin of defiling sacred places.

Caste-based judicial system held the purpose of protecting the well-being of upper castes alone. As evident from the matters mentioned in inscriptions, people were subjected to mental torture and thereby, it intended to spoil peaceful existence of lower strata of the society. Brahmins who were at the highest point of *varna* system received land as gifts from the rulers or from the ruler's subordinates. Educational institutions called *agrahara* were created and structured for their purpose. They were the chief employees in temples. People from low caste were made to work in the field they received as gifts. *Honnu* was almost a dream for *shudras*. By levying the penalty of *honnu* on them, the judicial system of those days conspired to perpetually put them in the state of slavery. The unjustifiable practice of levying penalty on *shudras* instead of the affluent class like brahmin and *vaishya* raises the chief questions on its commitment to justice. Even if the brahmins were excommunicated from their castes and *vaishyas* were kept away from their clan, they could rely on the power of money to lead a life of peace. No such opportunity was available for the *shudras*.

Another aspect to observe here is the role performed by *grama guttu* houses during the *seeme* king's enthronement. What we notice here is the recognition extended to guttu gurikara by the *seeme arasus*. Its real intention was mutual support and protection. *Seeme arasu* had given certain authority to *gurikaras*. One of those was judicial power. Both *seeme arasu* and *magane Ballala* needed the loyalty of *gurikaras*. *Seeme arasu* also required a local certification in the vast political web. In such a backdrop, it only protected the interest of feudal forces and not common people's concern. To add further, the *gurikara*'s judicial authority was also supported by the village deity. To state truthfully, judicial aspects were strongly inbuilt in the structure and spirit of *bhutaradhane*. Beliefs, trust, fear etc., feelings associated with *bhutaradhane* were

entangled in the social frame. Although at the superficial level adjudicating *bhuta* was distanced from the centres of power, in reality, it was well within the structure. *Gurikaras*’ authority of justice was sanctioned by the unearthly mediumship of *daivas*. Therefore, while the *seeme arasus* bound *gurikara*’s in their soft web of power, *gurikaras* in turn, benefitted from that power by exerting it on the common folk in villages. Some time they used to showcase their supremacy by turning the village deities as their weapon. As a matter of fact *bhuta* performer was always under the fear of *guttu gurikara* or administrative officer. He didnot possess the freedom to adjudicate as per his conscience .

While discussing about the commitment to justice as evident from the judicial system of pre-colonial period, the story of sculptor Kalkuda who carved the Gommata statue of Karkala comes to our mind. While in inscriptions and literature the Karkala King appears as a benevolent, patronizing ruler, he appears as a cruel and selfish individual in Kalkuda-Kallurti *paddana*. If *paddanas* narrate the story of amputating the limbs, inscriptions and literature sources hail the Karkala king. Therefore, while Karkal King signifies evil to a low caste person like Kalkuda, he figures as a good ruler in ‘proper’ sources. Hence, aspects like ‘whose justice?’, ‘justice to whom?’ etc, become crucial while discussing judicial conceptualization. The same question arises while debating about ‘judicial commitment.’ It is hence not simple to objectively study the formulation of justice in any period. It is very likely that one’s ‘justice’ is squarely someone else’s ‘injustice.’

Notes and References

1. Gururaja Bhat.P., *Studies in Tuluva History and Culture*, Manipal, 1975, pp . 189-191.
2. *Kattale* means the current political social, and religious system.
3. Chitnis, K.N., *Keladi Polity*, Dharwad, 1974, pp . 153-157.
4. Sinha, N.K., *Haider Ali*, Calcutta, 1969, pp . 250-251.
5. *Ibid*.
6. *Ibid*.
7. K.V. Ramesh advocates three tier division of the inscriptions of Tulunadu as ancient, medieval and Vijayanagara times. The division is based on the script, evolution of language and distinct features of text.

8. Vasantha Shetty, B., *Shasanasastra*, Brahmavar, 1988, pp . 13.
9. Chidananda Murthy., *Kannada Sasanagala Samskrithika Adhyayana*, Mysore, pp . 28.
10. Ramesh, K.V., M.J. Sharma., *Tulunadina Sasanagalu*, Udupi, pp . 1-5.
11. *Ibid*, pp. 6.
12. Chidananda Murthy., *op.cit.*, pp . 95.
13. S.D. Shetty., *Tulunadina Jaina Dharma : Ondu Samskrithika Adhyayana*, Udupi, 2002, pp . 124.
14. Gururaja Bhat.P., *op.cit.*, pp . 226.
15. *Ibid*.
16. Keshava Krishna Kuduva., *Dakshina Kannada Ithihasa*, Mangalore, 1948, pp . 6.
17. Balakrishna Shetty, P (eds)., *Sheenappa Hegde Samagra Sahithya*, Udupi, 1991, pp . 56.
18. Gururaja Bhat.P., *op.cit.*, pp . 228.
19. *Ibid*.
20. *Annual Reports of Indian Epigraphy* (ARIE) No's 558. And 579 for 1929-1930.
21. *Ibid*.
22. *Ibid*, No. 105 for 1901.
23. Surendra Rao,B., *Bunts in History and Culture*, Udupi, 2010, pp . 15-17.
24. Francis Buchanan., *A Journey from Madras though the countries of Mysore, Canara and Malabar*, Vol. III, Mysore, 1870, pp. 5, 100-101.
25. Edgar Thurston., *Castes and Tribes of Southern India*, Vol. I, Madras, 1909, pp . 247.
26. Sturrock,J., *Madras District Manuals South Kanara*, Vol. I, Madras, 1894, pp . 171-172.
27. Sachidananda Hegde, B., *Tulu Nadavara Samaja*, Bangalore, 2010, pp . 62-63.
28. *Ibid*.
29. *Ibid*.
30. *Ibid*. pp . 64.
31. *Ibid*.
32. Gururaja Bhat,P., *op.cit.*, pp . 230.
33. Surendra Rao,B., *op.cit.*, pp . 17.
34. *Ibid*. pp . 17-30.
35. *Ibid*. pp . 29-30.
36. *Ibid*. pp . 30.
37. *Ibid*.
38. *Ibid*. pp . 30-31.
39. Gururaja Bhat,P., *op.cit.*, pp . 233.
40. S.I.I. Vol. IX, Part I, N. 398.

41. Gururaja Bhat,P., *op.cit.*, pp . 223.
42. *Ibid.*
43. Surendra Rao,B., *op.cit.*, pp . 36.
44. ARSIE No. 530 for 1929-30.
45. S.I.I., Vol. VII, No. 585.
46. *Ibid.* No. 350.
47. Gururaja Bhat,P., *op.cit.*, pp . 232.
48. Surendra Rao,B., *op.cit.*, pp . 44.
49. *Ibid.* pp. 48.
50. S.I.I. Vol. VII, No. 319.
51. S.I.I. Vol. VII, No. 344.
52. Gururaja Bhat,P., *op.cit.*, pp . 235.
53. Bhattacharya., *Gramapaddathi*, Mangalore, 1925, pp . 40-41.
54. Gururaja Bhat,P., *op.cit.*, pp . 236.
55. Sturrock,J., *op.cit.*, pp . 99-100.
56. *Ibid.* pp. 44-45.
57. Manner,A., *English-Tulu Dictionary*, Basel Mission Print House, Mangalore, pp . 404.
58. Gururaja Bhat,P., *op.cit.*, pp. 239.
59. ARSIE, No. 296 for 1932-33, Vaddarse Inscription.
60. Ramesh.K.V., M.J. Sharma., *op.cit.*, pp . 12-64.
61. *Ibid*, pp. 44-45.
62. Suryanath Kamath.U., *North Kanara Gazeteer*, Vol. I. pp . 118.
63. Gururaja Bhat,P., *op.cit.*, pp. 239.
64. According to Sachidananda Hegde, Taulava Brahmins probably came from Shivalli in Goa or Shivalli in Shiralikoppa. A class of Shivalli Brahmins known as Nada Shivalli is in majority in the regions of Dharmasthala and Kokkada. They are not from ‘Shivalli, of outside district. Their mother tongue is either ‘Tulu’ or Kannada, which belong to the class of Dravidian language. The surnames of these Tulu families are also from the Tulu language. Their customs and traditions are similar to those of non-vedic dravidian system. We can notice that the family names of Tulu Brahmins is connected to place names in Tulu language. Therefore, the details in Sahyadri Khanda of Skanda purana of Tuluvas seems to be extrapolation at later period.
65. S.I.I. Vol. VII, No. 284.
66. Gururaja Bhat,P., *op.cit.*, pp . 240.
67. Sachidananda Hegde,B., *op.cit.*, pp . 76-77.

68. Narayana P.K., Kayyara Kinhanna Rai., *Tenkanadu*, Kasargodu, 1947, pp . 9.
69. Gururaja Bhat, P., *op.cit.*, pp . 428.
70. Saletore, B.A., *Medieval Jainism*, Bombay, 1938, pp . 1-86.
71. Sharma, S.R., *Jainism and Karnataka Culture*, Dharwad, 1949, pp . 48-63.
72. Ramesh, K.V., *Tulunadina Ithihasa*, Udupi, 1969, pp . 76.
73. Suryanath Kamath,U., *Tulunadina Dharmika Parampare*, Ujire, 1975, pp . 15.
74. Navada, A.V (eds)., *Nethravathi Smarana Sanchike*, II Dakshina Kannada literary conference, Uppinangady, 1985, pp . 26.
75. Ramesh, K.V., *op.cit.*, pp . 30.
76. Robert Sewell., *List of Antiquarian Remains*, Madras, 1882, pp . 232.
77. S.I.I. Vol. VII, No. 381.
78. *Ibid*, No. 314.
79. *Ibid*, No. 222.
80. Ramesh, K.V., *op.cit.*, pp . 75.
81. Suryanath Kamath.U, *op.cit.*, pp . 16.
82. Rajaram Heggade., *Vasathu Purva Karrnatakada Rajyapaddathi*, Prasaraṅga, Kannada University, Hampi, 2008, pp . 6-7.
83. Asiatic mode of production is a political system which was unchanging system prevalent in Asia for thousands of years. As the rulers did not have a legal frame work they could rule as they wished. They did not have the idea of people's welfare. The subjects in the village communities lived according to the traditions of their caste. The powers of the King was limited to the appointment of officials, collecting the revenue, increasing the produce by providing irrigation and fighting the battles.
84. After the fall of the Mauryan empire centralized rule was disintegrated. The state split up among the intermediary rulers who were allegiant to the king. The hierarchy of the kings and the intermediary rulers gained the nature of feudatory lords.
85. Rajaram Hegde., *op.cit.*, pp . 7- 9.
86. *Ibid*.
87. The Colonial historians have viewed the States in India as weak, a non-evolutionary and sick systems. But the post-colonial historians argued that, Kingship in India was different from the European State model, and it fulfilled its state responsibility differently.
88. Rajaram Hegde., *op.cit.*, pp . 11-15
89. *Ibid*.
90. *Ibid*.

91. *Ibid.*
92. *Ibid*, pp. 15- 18.
93. *Ibid.*
94. *Ibid.*
95. *Ibid.*
96. Mohankrishna Rai,K., *Tulunadu Kannada Nudi; Tulu Karnatakada, Nadu Nudi Chinthane*, Hampi, 2012, pp . 217- 218.
97. *Ibid.*
98. *Ibid*, pp . 224.
99. *Ibid*, pp . 245
100. S.I.I. Vol. III, No. 327 & 328.
101. Saletore, B.A., *Social and Political Life of Vijayanagara* Vol. II, Bombay, pp . 466.
102. Dikshith.G.S, *Local Self Governance in Medieval Karnataka*, Dharwad, 1964, pp . 24- 28.
103. Epigraphia India., Vol. IX, pp . 21, foot note. 2.
104. ARSIE, No. 296 for 1931-32, *op.cit.*,
105. Ep. Karnatika., Vol. VII, pp . 38.
106. *Ibid*, pp. 21.
107. *Ibid*, pp . 23.
108. Ramesh,K.V., *op.cit.*, pp . 41.
109. *Ibid.*
110. Ramesh,K.V, M.J. Sharma., *op.cit.*, pp . 53 - 54.
111. S.I.I. Vol. VII, No. 213.
112. S.I.I. Vol. VII, No. 185.
113. Ramesh, K.V, M.J. Sharma., *op.cit.*, pp . 53-54.
114. *Ibid*, pp . 40-41.
115. *Ibid*, pp . 44-45.
116. There is a reference in most of the Alupa Inscriptions, which reads as follows :
Shreemathu Rajadhani Mangalapurada Athava Barahakhyapurada Aramaneya Mogasaleyolu ragaru samastha pradhanaram bahalthara niyogigulum Deshi purusharum rushi purohitharam, Ranivasadavaru, raja kumarraru ithara adhikarigalu iralu bahala gondalasthanadinda oddolagam kottiddaru.
117. Ramesh.K.V, M.J. Sharma., *op.cit.*, pp . 66-68.
118. *Ibid*, pp . 62.
119. ARSIE., No. 492 for 1928 - 29.

120. Vasantha Shetty, B., *Udupi Talukina Shashanagalu*, Brahamavara, 1995, pp . 15.
121. Ramesh.K.V, M.J. Sharma., *op.cit.*, pp . 125.
122. *Ibid*, pp . 258.
123. Mohanakrishna Rai, K., *op.cit.*, pp . 227.
124. *Ibid*.
125. Dinakara Desai. , *Mahamandaleshwaras and The Chalukyas of Kalyani*, Bombay, 1951, pp . 310.
126. D.D. Kosambi, *An Introducton to the study of Indian History*, Bombay, 1956, pp . 178.
127. R.S. Sharma, *Indian Feudalism., 300-2100*, Calcutta, 1965, pp. 231.
128. Burton Stein., *Indian Peasant State and Society in Medieval South India*, OUP, Delhi, 1980, pp. 162.
129. Mohanakrishna Rai,K., *op.cit.*, pp. 162 - 164.
130. Gururaja Bhat.P., *op.cit.*, pp . 158.
131. *Ibid*, pp. 144-145.
132. Surendra Rao, B., *op.cit.*, pp . 53 - 54.
133. Gururaja Bhat.P., *op.cit.*, pp . 149 - 150.
134. *Ibid*, pp. 150.
135. *Ibid*.
136. Surendra Rao.B., *op.cit.*, pp . 54.
137. *Ibid*.
138. Mohanakrishna Rai,K., *op.cit.*, pp . 165.
139. Surendra Rao.B., *op.cit.*, pp . 55.
140. *Ibid*.
141. *Ibid*, footnote.
142. For details see B. Surendra Rao., *op.cit.*, pp . 35 - 66.
143. *Ibid*, pp. 56-57.
144. *Ibid*.
145. Gururaja Bhat, P., *op.cit.*, pp . 158.
146. Surendra Rao, B., *op.cit.*, pp . 57.
147. Gururaja Bhat, P., *op.cit.*, pp . 158.
148. Surendra Rao, B., *op.cit.*, pp . 57.
149. *Ibid*, pp . 58.
150. Indira Heggade., *Okkelakulu; Bantaru Samskrithika Adhyayana*, Bangalore, pp . 36.
151. Balakrishna Shetty (eds)., *op.cit.*, pp . 173.
152. Indira Heggade., *op.cit.*, pp . 44.

153. Amrutha Someshwara., *Tulu Paddana Samputa*, Hampi, 1997, pp . 477.
154. Indira Heggade., *op.cit.*, pp . 43.
155. Indira Heggade., *Tulunadina Gramadalitha Mathu Ajalu*, Bangalore, 2004, pp . 8-9.
156. Surendra Rao, B., *op.cit.*, pp . 58.
157. *Ibid.*
158. *Ibid*, pp . 70.
159. *Ibid.*
160. *Ibid*, pp . 72 - 73.
161. *Ibid*, pp . 73.
162. *Ibid.*
163. *Ibid.*
164. *Ibid*, pp . 83.
165. *Ibid*, pp . 82.
166. Indira Heggade., *Tulunadina Gramadalitha Mathu Ajalu*, *op.cit.*, pp . 13 - 14.
167. *Ibid.*
168. Jayaraj. N., *Society and Justice in pre-colonial South Kanara*, Unpublished Ph.D Thesis, Mangalore University, 2012, pp . 253 - 254.
169. *Ibid.*
170. *Ibid.*
171. Indira Heggade., *op.cit.*, pp. 17.
172. Sturrock,J., *op.cit.*, pp . 73.
173. Venkatesh Jois K.G., *Keladi Shasanagalu Samskrithika Adhyayana*, Dharwar, 1966, pp. 17.
174. Sturrock,J., *op.cit.*, pp. 172.
175. Saletore, B.A., *Ancient Karnataka, History of Tuluva*, Vol. I, Poona, 1936, pp . 379-380.
176. Peter. J. Claus., *Tuluva Darshan* Translated by A.V. Navada & Subhaschandra, Kundapura, 1987, pp . 31.
177. S.I.I. Vol. VI.I, No. 329-330.
178. *Ibid*, No. 226.
179. *Ibid*, No's 255, 257.
180. *Ibid*, No's 309, 340.
181. *Ibid*, No. 350.
182. *Ibid*, No. 353.
183. S.I.I. Vol. IX., Part II, No's 448, 449, 450.
184. S.I.I. Vol. VII., No. 350.

185. Ep. Indica, Vol. IX., pp. 19 - 24.
186. *Ibid*, pp. 20-24.
187. Gururaja Bhat.P., *op.cit.*, pp. 191.
188. *Ibid*, pp. 191-193.
189. S.I.I. Vol. VII., No. 295.
190. *Ibid*, No. 213.
191. Ramesh.K.V., *op.cit.*, pp . 78.
192. *Ibid*, pp . 78-79.
193. *Ibid*.
194. *Ibid*.
195. *Ibid*, pp . 72.
196. S.I.I. Vol. VII., No. 308.
197. Gururaja Bhat.P, *op.cit.*, pp . 194.
198. *Ibid*.
199. S.I.I. Vol. VI.I, No. 349.
200. *Ibid*, No. 182.
201. Shaila T. Varma., *Tulunadina Shasanagala Samskrithika Adhyayana*, Bangalore, 2002, pp . 191.
202. *Ibid*.
203. Vasantha Shetty, B., “Sasthau, Ondu Ithihasika Adhyayana” (Art), Udayavani Daily 10.11.1992.
204. ARSIE, 1961-62, No. 621.
205. S.I.I. Vol. IX, Part II., No. 450.
206. *Ibid*, No. 261.
207. Gururaja Bhat.P., *op.cit.*, pp . 194.
208. S.I.I. Vol. IX, Part II., No. 441.
209. *Ibid*, No. 296.
210. Shaila T. Varma., *op.cit.*, pp . 192.
211. *Ibid*.
212. *Ibid*.
213. *Ibid*, pp. 191.
214. Surendra Rao, B., *op.cit.*, pp . 58.
215. *Ibid*.
216. *Ibid*, pp. 71-72.
217. *Ibid*.

218. Gururaja Bhat,P., *op.cit.*, pp. 159.
219. Saletore, B.A., *The Sthanikas and Their Historical Importance* (Art) Journal of Bombay University, Vol. I, pp . 1-65.
220. Chidananda Murthy., *op.cit.*, pp . 191.
221. S.I.I. Vol. No. VII., No. 182.

Chapter 4.

The Judicial System during Colonial Period

The Judicial System during Colonial Period

Advent of Modern Colonial Regime

By the end of 1800 AD, the governance of British East India Company had spread in every nook and corner of India. Once the project of establishing their authority was complete, the Company decided to convert the multi-utilitarian land of India into a market for their products. A colony like India offered the British with three major benefits: Commercial value, an appropriate locale for their trade transactions, and a control over the large tract of land. Colonial governance was guided by the chief motive of enhancing the economic prosperity of Britain.¹ British strength was not only deployed to establish law and order in India, but was also channelized towards reshaping the Indian markets so as to suit British requirements.² A multi-dimensional disparity between India and Britain was concocted by the British, and it was effectively employed in justifying the colonial governance here. By proclaiming themselves as 'civilised' they labelled and projected all non-Europeans as 'uncivilized'. The act of establishing one individual as 'enlightened' or 'civilized' invariably necessitates portraying the other as 'uncivilized.' In order to justify their domination, they had to glorify themselves as 'the British,' thereby negating Indian-ness. Such a colonial development not only created a wide chasm between the British and Indians, but also guided the policy formulations of British during the entire nineteenth century.

Further, language, race, history and gender were used as major parameters to establish the inferiority of Indians. They declared the failure of Indians in above sectors, and thereby assumed the White man's burden to civilize the colonized people. To quote Robert Montgomery about the onslaught of British on India: *There can be no doubt, that if the happiness of the great mass of the people be considered paramount, the acquisition of the India provinces by British must be looked on as a most fortunate circumstances for peace, the indispensable prelude to civilization..*³ Evangelists also considered the acquisition of India by a handful of British as the grace of God bestowed on the people here. Utilitarians also propounded that British administration was inevitable in untangling India from the webs of tradition and slavery.

British *modernity* and modern institutions, according to the British masters, were necessary to release India from its shackles of savagery and anarchy. The term *modernity*

should be understood in terms of two modernities: first is the *modernity* of colonialism, and the second is, a *modernity* at the juncture of globalization. These terminology should be comprehended at the backdrop of the western world's conception of third world countries like India as 'backward countries,' 'developing countries,' 'forming nations,' 'transitory societies' and so on. In a traditional society like India that largely was centred on the deities and gods, *modernity* ushered in many different ways. One of the chief features of *modernity* is also the attempt to realize what is already imagined and conceived by the human mind.⁴ Therefore, it is not surprising if *modernity* appeared to common people as a tool offering authority to engender on their own. *Modernity* also heralded the idea that what was hitherto believed to be 'universe' or 'creation' was in fact merely 'progress.'

In front of panchayat justice practices that were guided by prejudice and hierarchy, *modernity* entered in the form of novel judicial system propounding 'equality before law.' It could also have arrived in the two forms of new justice and new social justice. To cite some example, while the first play in Kannada *Iggappa Heggadeya Vivaha Prahasana* (1887) portrays modern judiciary as a means of woman's liberation, Wole Soyinka's play *The Lion and the Jewel* (1959) depicts how the new technology of camera appears as a miracle to a village girl Sidi, showing her as a maiden of beauty in captured stills. Likewise, *modernity* even seems as a conventional tool lending scope for an individual's voice in a society where community authority was predominant. Divergently, modernity could also appear as a tool in the hands of an alien culture to control another culture on the basis of new language and new equipments. *Modernity* could even enter as a means to rectify and check the colonizing processes of Europe, and its attempts to conceive of and create the histories of India or Africa. *Modernity* could also penetrate as an imaginary for a powerfully centralized nation. It could also have seeped in as a means to shake off and dismantle the ancient feudal centres like religious feudalism, caste feudalism and patriarchal feudal settings.

Thus, the cosmical canvass of *modernity* appears in different shapes depending on the different angles adopted. It is varied in significance for different people: those who have won in the motion of history and those who have lost; people on the fringes and people in the centre; and so on. In Poornachandra Tejaswi's *Jugari Cross*, *modernity* lends a blow to the basket-weaving Medaras as it replaces their bamboo baskets with plastic bags. In Shivarama Karantha's novels, *modernity* ushers in the form of cities that deprive

parents off their children. Thus, *modernity* should be perceived as a conception that represents diverse means. Further, *modernity* continues as a modernistic principle, as modernization, as globalization, and as a technology of ever-changing, fleeting post-modern world.

According to the famous nineteenth century Utilitarian thinker J S Mill, the chief objective of any sovereign power should be Parental Despotism. It trains its citizens in western knowledge and self-governance. In the first half of nineteenth century the British officials attempted to be the harbingers of new age by introducing new principles. They also masqueraded by claiming that a modern citizenry will be created in India by training them in self-governance. The sculptor of Indian Penal Code Thomas Babington Macaulay describes the above strategy in following words: *We have to frame a good government for a country into which, by universal acknowledgement, we cannot introduce these institutions which all the habits, which all the reasoning of European philosophers, which all the history of own part of the world lead us to consider as the one great security for good government*⁵. Thus, the colonizers' ideological calling intended to salve the natives out of their social evils and stigmas through European education, and to rehabilitate the oppressed in terms of social justice.

Once their political and military expeditions were completed at the all India level, the British set forth to structure India to fit their imperial interests. Varied efforts like land survey, creation of gazetteer and manuals, etc., were undertaken to domesticate a new colony like India to fit their colonizing concerns. Enhancing their geographical and communitarian or racial understandings of India were the chief reason behind such land surveys. Another major factor guiding their survey efforts was to establish a totalitarian control over the surveyed landscape. It is for this reason that the British started to collate a comprehensive knowledge of India through their civil and military officials at the end of eighteenth century. Through such efforts they intended to convert the unfamiliar India into their empire of knowledge.⁶ Through such documentary processes they initiated a State building project.⁷ Therefore, by the end of eighteenth century a large corpus of literature on India was created in the genres of travelogues, administrative reports, memoirs, and so on. The surveys conducted in nineteenth century accommodated most minute details like Indian villages, forts, roads, irrigational projects, regional boundaries, buildings, forests and trees, etc. in this light, Francis Buchannan's travelogue and surveys in South India, Sturrock and Stuart's *South Canara Manuals* played a key role.

Nevertheless, none of these accounts contained a true report of either India or Dakshina Kannada. Mathew Edney points out that, *such activities did not map the “real India” but the India that was perceived and governed by them... What they did map, what they did create, was a British India*⁸

Inaugurating their journey of victory in the Bengal province, the British defeated Tippu Sultan in the fourth Anglo-Mysore war. Post Tippu's defeat Tulunadu or undivided Dakshina Kannada district which was under the regime of Mysore came directly under the Madras Presidency of British governance. The British East India Company employed Tulunadu to suit its imperial requirements. All the kings and their dynasties in Tulunadu lost their existence during the British regime. The local leaders who attempted to rebel against the British control were severely punished.⁹ The other local chieftains who either joined hands with the British in their dominion or assisted them during battles were deemed with respect and provided gratuity. Tulunadu which was brought under the Madras Presidency had to witness division on many occasions. Although political boundaries were continually altered during the rule of provincial chieftains, their control, however, remained in the hands of the locals. Further, the administrative method was also local in nature. Even in times when Kannada domination was established, local governance strategies and administrative units prevailed in the region. Nonetheless, when the British model of administration was introduced, all the previous prevalent systems had to undergo transformation. As all the royal kingly lineages had lost their authority, the British implemented novel administrative policies, and thereby divided Tulunadu according to its administrative convenience. The segmentation of Tulunadu continued from 1799 AD to 1862 AD. As Madras Presidency consisted of a vast geographical territory, it had introduced many governmental modifications. The organizational technique was structured with trade and military purpose as the central concern. Tulunadu that consisted of Dakshina Kannada, Kasargodu and Udupi districts was divided into districts, taluks and villages, and each of the units was appointed with governing officials. When until 1862 AD North Canara was assimilated into Bombay Presidency, South Canara (Tulunadu) remained as a part of Madras Presidency. As mentioned in the beginning the southernmost tip of North Canara, i.e., Kundapura was adjoined to South Canara province.¹⁰

In 1799 AD Sir Thomas Munro was appointed as the Settlement Officer of Canara and Sonda provinces. Munro who had arrived at India in January 1780 had participated in the

military operation against Hyder Ali under the leadership of Sir Hector Munro and Sir Eyre Coote.¹¹ Partaking in the military activity had provided Munro a sufficient knowledge of the political scenario in India. Further, he had realized as early as in 1790 itself that the subjugation of Mysore king Hyder Ali was essential for the ascendancy of British power. Due to Cornwallis, he was appointed as the Assistant Revenue Collector under Captain Alexander Reid in the Baramahal region (the northern and western part of Selam region up to Cauvery river). Working in the same Baramahal region for eight years, Thomas Munro not only developed an extensive knowledge in civil service, but also acquired interest in the revenue system. He was responsible in introducing Ryotwari system in Canara and Sonda province. After the downfall of Mysore in 1799, Munro was inducted as one of the secretaries of the Commission set up to chart out a future course for the Mysore state. Further, in 1799 when he was appointed as the first Collector of Canara province, he carried an enormous experience of land-related regulations acquired in the neighbouring region of Baramahal.

Although Munro was the first British administrator to arrive in Canara province, he was dissatisfied with his appointment, and with his transfer from Baramahal to Canara province. The chief reason behind his discontentment was the unfamiliarity of Canara region. He was suspicious that the Canara people deem him as an invader, and might plot a scheme against him anytime.¹² He had decided to remove himself from India as soon as the tasks assigned were taken care of. In a private letter he expressed his grievance against the Canara province thus: *I would rather live upon ensign's pay in a sunny climate, than be a sovereign of Canara. If I can contrive to get away I shall go through it will probably cast me near half my income.*¹³ He was terribly averse to the climate in Canara. Further, as he served as the assistant of Captain Alexander in Baramahal district, he had ambitions of becoming the successor of his immediate chief. In Baramahal region Munro had worked extensively on land survey and land holdings. Owing to his new appointment in Canara he was forced to leave his European friends behind and relocate to the untried Canara province. Appointed for the first time as an independent official in Canara, Munro spent a large portion of his short tenure in suppressing the anti-British revolts in the region. Nonetheless, he laid a solid foundation for his successors to administer in Canara province.

The Tuluva society depicted in the writings of the colonial masters

All the colonial writings on Canara intended to justify their governance in the region. They believed that the colonial rule will assist in establishing peace, protection and exploitation-free administration in Canara. Therefore, all the monarchs defeated by them have been projected as villainous characters in colonial authorship. Tippu Sultan's regime in Canara is also depicted as despotic and anarchic. Both Tippu Sultan and Haidar Ali are projected as anti-christian in Canara region. In the perspective of colonial masters Tulunadu or South Canara has always been portrayed as contrastive to their motherland. It is a land of rocks and stones, of mountains, of small rivers and streams, and consists of a low fertile land contributing to the growth of only paddy and coconut. It's a very fatiguing and uncivilized locale. They also maintained an opinion that the heavy rainfall of Canara region had destroyed its ground fertility, leaving it barren with only sand around.¹⁴ While, in colonial writings, the remains of temples and forts of South Canara pointed at the downfall of ancient Hindu faith, mosques were reminiscent of the dark age of Muslim conquest. However, Church buildings have been represented as symbols of new and modern religion.¹⁵

The forests of Canara had generated a lot of interest among the early British administrators. They had recognized the forests as a signifier of the barbarism of people. Even in the missionaries' lenses, those forests had remained as symbols of uncivilizedness. It was mainly because of the absence of any town or church that could please them. Their dismayed eyes struggled to locate signifiers of civilization like churches, cities and living abodes.¹⁶ Thus, European writings have expressed a great discontent towards the entire ambience of South Canara. The heavy rainfall and extreme summer of India had convinced the Europeans to consider it as an uninhabitable geography. Developing such an ill-impression of India, they deemed it impossible to live long and healthy in the region.¹⁷ Even the missionaries who arrived at the Canara province expressed their dissatisfaction with its environment, further opining that its climate is unfavourable for the Whites' corporal structure and disposition.¹⁸

After the conquest of Canara, the colonialists' chief agenda was to extract a maximum of land revenue with minimum of expenditure from their side. The same reason was working behind the appointment of Francis Buchanan to conduct an extensive land survey in South India. As Buchanan had entered the Canara region through Malabar, he

did not hit upon much of a difference between Malabar and Canara in terms of environment and soil fertility.¹⁹ In his opinion, although there was a plenty of cultivable land available in Canara, owing to the lethargy of people land here has remained barren. The reason behind such lethargy, according to Buchanan, is the exploitation of erstwhile Kings while collecting revenue from the common citizens.²⁰

In the opinion of colonial masters, Canara region was inappropriate for any industrial development, because it lacked the capacity to supply raw materials necessary for the functioning of huge industries.²¹ Further, they also deemed the rivers of Canara unutilizable for irrigational purposes. Nonetheless, their commercial significance was realized, as the British thought that the rivers played a crucial role in lending impetus to the business transactions. *The Manual of South Canara* identified the rivers flowing in Canara region and explored their navigational possibilities.²² When compared to the land routes, *The East India Gazetteer* also records that, a large portion of trade in South Canara was conducted through watercourses.²³

Since the period of Greek civilization, foreigners carried a unique interest in Indian society. Although opinions expressed by the outlanders are far removed from the actual reality, they also cannot be rejected out rightly. By the end of eighteenth century the British undertook an indepth study of Indian culture, gathered sufficient colonial knowledge thereby, and began their enterprise of cultural colonization. By mid nineteenth century they also commenced an ethnic or racial study in India. The surveys undertaken by Francis Buchanan and Colonel Mackenzie were not restricted to racial understandings alone, but also extended in scope to identify the different tribes of India, its natural resources, agricultural setting and the nature of land holdings.²⁴ However, the caste system prevalent extensively in India was not exclusively focussed upon by the British.

Buchanan's report contains copious reference to the Brahmins. Their role as chief informants is the reason behind such a prioritized treatment in his report. Buchanan has recorded about the different castes and sub castes prevalent in the region. He has employed the term 'caste' merely with reference to the four varnas. The words 'sect,' 'tribe,' or 'nation' are used to denote sub castes.²⁵ The demographical details supplied by Buchanan are gathered from local revenue officers, and are used as markers of caste, sub castes. Further, he has identified the caste of people based on their occupation, religion

and ethnicity.²⁶ Mackenzie's reports not only concentrated on providing information about the political configurations of pre-British era, but also attempted to recognize the powerful landowners and zamindars in the region.²⁷

The caste structure prevalent in Canara impeded the conversion activities of missionaries here. In their opinion, the caste system existing in the region rendered their christianizing project arduous. The local population was frightened of losing their occupation, and thereby livelihood, if they were deprived of caste affiliation.²⁸ Nevertheless, missionaries like Abbe Dubois maintained a healthy opinion about the caste system prevalent in India. According to him, the caste structure has rescued India from anarchy and savagery, and Hindus from western influence. He has lauded the people who designed caste regulations in ancient India.²⁹

Buchanan has not categorized the Brahmins of Dakshina Kannada on the basis of ethnicity or race. According to him the Tulu Brahmins resemble Malayali Namboodiris. Gathering information from the followers of Madhwacharya and reiterating their opinion, Buchanan concludes that Brahmins belong to the pancha dravida origin.³⁰ The Census of 1871 has considered the Tuluva Brahmins as an un-integrated community. Further according to this report, Tuluva Brahmins belong to the dravida category. Unlike Vedic Brahmins they are not adept in *shastras* or scriptures. In the entire Madras Presidency their proportion was at 3.7% and 13% in Canara region. Oddly, this census has brought Konkanis and Roman Catholics under the category of Brahmins.³¹ In Samuel Miley's opinion the Tulu Brahmins, Karnataka Brahmins, Gowda Saraswats and Konkanis appear aggregately under the Brahmin community. Terming the Tulu Brahmins as the primeval inhabitants, Samuel Miley identifies them as landlords.³² *The Imperial Gazetteer of India* by Hunter (1886) divides the inhabitants of South Canara into four races – Hindus, half caste Portuguese, Arabs and aborigines. The Hindus were again divided into two classes-those of Aryan descent, such as the Saraswat Brahmins and perhaps Konkani Brahmins; and the Dravidian stock included Shivalli Brahmins, Bunts, Jains and perhaps Koragas and Holeyas.³³ *The South Canara District Manual* has divided the Brahmins of Canara into twelve groups. According to John Sturrock, they migrated to Tulunadu from Ahikshetra or Gokarna. Shankara and Madhwa have exerted a large influence on the Brahmin community, and they are divided on the basis of these two schools of philosophy. The Tulu speaking Brahmins are followers of Madhwa tradition, are highly intelligent and fair in their complexion.³⁴ On a divergent note, Edgar

Thurston believed that only Brahmin men migrated to Canara region and married the non-Brahmin Bunt women. Therefore they are not perceived as people of pure Aryan origin.³⁵ In C D Maclean's understanding, Brahmins appear in the highest strata of Tulunadu's social hierarchy. However he also opines that the Brahmins of South India are not pure in their Brahminical race.³⁶ Even missionaries were displeased with the caste system prevalent in Canara. Brahmins were perceived as terms of Christian converts. Nonetheless, they were considered as a biggest hurdle in the proselytizing project of the Mission. Brahmins were very vocal in opposing the Bazar preaching conducted by the missionaries.³⁷

According to European writers, another prominent community inhabiting in South Canara was the Bunts. Francis Buchanan identified Bunts as foremost among Shudra class prevalent in South Canara. But, he does not locate any warriorhood trait among the bunts. In his knowledge, Bunts were predominantly a cultivating community, resembling the Nayars of adjacent Kerala.³⁸ Even Samuel Miley has identified Bunts as foremost among the Shudras. He perceives them as the original land owning community in South Canara, attempting to augment their societal status during the British regime.³⁹ Sturrock, the author of the *South Canara Manual*, places Bunts in the broad category of husbandmen. Among the Gaudas, Kshathriyas, Nayars, Vokkaligas etc. the bunts seemed to occupy the top position.⁴⁰ *The South Canara Manual* tried to trace martial elements in the Bunt Community – it provided the Tulu meaning of “Bunt” which meant, a powerful man’, ‘a soldier’.⁴¹ According to the ‘Manual’ originally bunts were a military class corresponding to the Nayars of Malabar and the use of the term ‘Nadava’ was associated with the “Nad” or “territory”. This was similar to that which was prevalent in Malabar. But later they lost their pre-eminence due to the changes in administrative pattern under the Vijayanagar rule.⁴² German missionaries also did not own a favourable opinion about the Bunts. In their opinion, the land owning Bunts thrived by exploiting tenant tillers in their land. Further, it was not possible for the missionaries to convert a large number of people from the Bunt caste. As Bunts were the major stakeholders in the entire practice of *bhutaradhane*, it was an immense hurdle in the christianizing activities of missionaries. According to them, bunts were people with unrelenting hearts.⁴³

Billawas were recognized by the Europeans as another important social group in South Canara. According to Buchanan, it is a community engaged in drawing toddy from the palm tree and preparing jaggery out of it. When compared to Bunts they belonged to a

lower social status, and toiled as agriculture labourers in the Bunts' landholding. Nevertheless, Billawas also abide by the system of matrilineality like bunts.⁴⁴ *The Manual of South Canara* has identified this community as the largest in South Canara district. It also rejects the idea of Billawas as bowmen/archers, and that it is a warrior community. John Sturrock has emphasised in his writings that a toddy tapping community cannot be, at the same, a warrior clan.⁴⁵ It also speaks that the people of this caste were not only toddy-drawers but also agriculturists, labourers, physicians and the priests in the demon temples.⁴⁶ For the German missionaries, in Canara, Billavas remained a significant community, as more than 60% of their converts came from them. It was they who defined the demon worship on the instruction of the missionaries and embraced Christianity to grab heavenly reward.⁴⁷

European writings have depicted the lower rungs of people in South Canara as uncivilized. In their opinion, people of this stratum engaged in *Bhuta* worship, alcohol consumption, unhygienic food habits, minimal cladding, and possessed a very low level of moral sensibility. As recorded in *the Manual of South Canara* some of the important castes belonging to this lower stratum of society are Mari Holey, Mera Holey, Bakuda and Mundala.⁴⁸ According to Buchanan, once upon a time Koragas were the masters of this region, eventually losing their position to be relegated as slaves. They did not believe in the evil spirits, and were not guided by the imagination of a future existence.⁴⁹ Samuel Miley noted that "these poor creatures present, perhaps, the lowest type of humanity... Their female expose to the gaze of men the whole of their person, as low as naval, the covering below which consists partly of cloth and partly as jungle leaves."⁵⁰

Moving on, the colonial works have also criticized the women in their colonies based on gendered notions. On the other hand, European men are projected as epitomes of excellence. According to a writer Joseph Altar, this gendered notion is reflective of a colonial cultural ambiguity.⁵¹ *The South Canara Manual* has identified the Koragas as a tribal community inhabiting in the forests. They were deprived of the freedom to spit in the public, and consequently, the Koragas had to carry a pot around their necks. Physically they were of a medium built, and sturdy in strength. Their skin was dark in colour and had protruded jaws. Their facial features were also marked by sloping forehead and thick cheek bones.⁵²

Muslims and Christians are two other major communities acquiring enough space in the writings of Europeans. *The South Canara Manual* has painted Muslims as hard working and well-mannered, and as a group engaged in cultivation, cart driving and boatmanship.⁵³ However, missionaries did not own an estimable opinion about the Muslims. Writing on the Muslims of Canara, *The Mangalore Magazine* quotes, *The Mohammadans, who are the least numerous as a body, are also the least respectable of all the classes here. They are said to be faithless in their engagements, and ready to take every undue advantage over those with whom they may have transactions; which at the same time they are so regardless of the future, as to lavish all their gains on the gratifications of the moment.*⁵⁴

Christians of South Canara were considered to be a very important section of the society even though they constituted $\frac{1}{12}$ of the population. That was because they were aligned with the British by their religion and to that extent the British expected loyalty from them.⁵⁵ Buchanan looked upon the Christians of Canara as immigrants of Konkana.⁵⁶ Samuel Miley considered Christians ahead of Brahmins. For him, they were most intelligent and useful class of people.⁵⁷

So an Orientalist's prejudice portrayed the Indians as the one who was bereft of morality and full of dishonesty and falsehood. The missionaries attributed this to the religion they practiced which taught them the false doctrine. Acquiring knowledge of the newly territories was an important project of the colonial government. The knowledge, thus, gathered was further used to serve the colonial rule in India. It is also important to note that, knowledge, gained prominence which served the colonial interest. Such knowledge justified their rule and supported its continuation. Canara was no exception to this rule. Once brought under the colonial control, creation of such knowledge became an essential part of the colonialism.

Colonial Policies

As mentioned in the earlier pages the British occupancy of Dakshina Kannada district or Tulunadu has been a milestone in the history of Tulunadu. The administration and governing techniques introduced by the British in this region exerted a crucial impact on the equations of hereditary authority prevalent here. The administrative control in the older system was largely microcosmic, scattered and fictive in nature. It had paved way for a slackish organizational design altered by compromises and adjustments caused by

the unrestrained local authority and functionaries' cooperation. As a result, such a system was not grounded on any concrete principle, but was largely dependent on conventional conveniences. However, British regime was created on the structures of defined revenue system and police control. It although had utilized the erstwhile centres of social power and command; it was, at the same time, successful in mobilizing all the political and administrative powers in its singular hands. Through a comprehensive examination of the administrative machinery, it appeared as an efficient exploitative tool, it was diverted towards revenue determination and collection. Land revenue was one of the major concerns of the British regime in Dakshina Kannada. The significant matters that drew sufficient attention of the British East India Company included Land revenue, Salt tax, monopoly over tobacco products, sea and land excise duty, temple and *math* revenue, etc. The principal objective of the British governance was to enhance revenue collection so as to bear administrative expenses and devise colonial interests. After arriving at the Canara region, the first Collector Munro attempted to implement the knowledge he acquired on land survey and landholdings along with Alexander Reid in the Baramahal province. The existence of private land ownership in Canara, as against the colonial notions of the absence of individual land rights in India, surprised Munro upon his arrival here. Only sirkar land was considered as government property. During the Vijayanagara period, land revenue was also fixed at a very low rate. Miscalculations offered by the local officials could also be a reason behind this decreased land revenue. However, during the Bedanuru Nayaka rule, the duty levied on land survey was quite high. Nevertheless, they didnot pose any threat to the private land ownership ubiquitous in this region. According to Munro, the determining of land revenue was an officially prevailing practice in Canara before the regime of Hyder Ali.

Land Ownership prevalent in Dakshina Kannada

Before undertaking an extensive discussion on the judicial system of Dakshina Kannada, the revenue and land tenure practices existing in the region are discussed briefly. Individual ownership over land in the form of Mulwargdar was a significant feature of land holding in Dakshina Kannada or Tulunadu. Sir Thomas Munro who was appointed as the first Collector of Canara was highly drawn towards private land ownership that had deeply ingrained in the region.⁵⁸ Munro was so much so attracted to this system that he mentioned about it frequently in his letters to Madras Revenue Board. According to him, the concept of private land possession in Canara was older than that of England.⁵⁹

Munro's successors also maintained the same opinion. Even Bombay High Court has referred about the individual land rights in Dakshina Kannada in following words: "mulgar or mulwargdar enjoys a hereditary and transferrable property in the soil and cannot be ousted so long as he pays the revenue assessed on his land."⁶⁰ The *mulawarga* or *mulawargadara* of Dakshina Kannada is compared with *janman* landholding and *janmani* of Malabar region.

While private land holding was termed as *mulawarga* in Canara, its proprietor was called as *mulawargadara*. While *warga* referred to the registered land; *wargadara* possessed rights over that land holding. However, it is uncertain as to how the conceptualization of *warga* land came into existence in Dakshina Kannada. According to one argument, all the land holdings of Dakshina Kannada came under the control of people paying annual revenue from five to five thousand pagodas in fourteenth century. Thereby, the concept of *warga* land holding came into practice. The English terminology 'warga' has evolved from the Sanskrit term 'warga.' 'Warga' meant leaf, and as the revenue officials recorded their calculations on such leaves the land holdings came to be addressed by the same term eventually.⁶¹

Apart from the individually-owned lands, territory in possession of the government also existed in Dakshina Kannada. Barren land, land confiscated against revenue dues, uncultivated land, etc, were made available for tilling by the government itself. Such tillers were expected to pay the land tax directly to the government. In the initial days of the Company governance, there was an attempt to hand over ownership or title deeds of such land holdings to the official tenants. On September 24th 1834 the District Collector of South Canara issued an order arranging for the transfer of title deeds to them. But, in 1859 the Madras Revenue Board put an end to the process of transferring government land to tillers. Until then governmental tillers legally enjoyed all the benefits savoured by the *mulawargadara*.⁶²

Apart from the above mentioned, a land holding called *hosagame warga* also existed. The barren land cultivated after the establishment of Company rule was called as *hosagame warga*.⁶³ The land holding of *hosagame warga* enjoyed equal privileges like that of tilling *mulawargadara*. Further, the ownership over land was also shared by religious institutions like temple and *maths*. In that land, the chiefs of temple and *maths* supervised agricultural activities, and paid off the revenue due to government. Religious

institutions played a crucial role in land ownership and land transaction, especially in the villages.⁶⁴

Land holdings characterized by two kinds of tilling practices were majorly found during the colonial period in Tulunadu. They could be located within the circumference of private land possession called *mulawarga*. They were *mulageni* and *chalageni* practices. Furthermore, practices called *khayamgeni* and *vaayide geni* also existed simultaneously. Such land holding practices were applicable to both individually-owned territory as well as land under the possession of religious institutions.⁶⁵

Mulageni or 'permanent tenants' has been one of the major land holding practices, under which the tenant receives land from the *mulavargadara* for a fixed tenancy. Once a permanent tenant land is acquired the tenancy arrangement remains permanent. As long as the tenant pays off determined annual rent to *mulawargadara* or land owner he could remain free of any apprehensions. Therefore, the permanent tenants were also referred to as 'subordinate land lords.' They acquire equal rights over their land holding as possessed by the actual land owner. However, neither the direct tenant nor his successors were allowed to trade the land bestowed to them as tenants.⁶⁶

The tenants under *Chalageni* or tenants-at-will did not enjoy any right or control over their piece of land. They were always subservient to landlords or *mulawargadara*. Under this practice, the landlord could increase the tenants' tenancy every year, or he could even replace the tenants present on his land. Apart from the rent he owed to the landlord, the *chalagenidara* was also expected to perform many uncompensated tasks towards the land proprietor⁶⁷.

Apart from the aforementioned two practices, another kind of land holding called *vaide geni* also existed in the region. Even *vaide geni* meant leasing out a piece of land for a determined period. Under this practice the amount of tenancy differed from place to place and one landlord to the other. Besides two more landholding practices, not as popular as *mulageni* and *chalageni*, also were prevalent in Dakshina Kannada, called as 'wala wargdar' and 'kudu-taledar.' These two were categorized as sub-tenancy. Under 'walawargadar' arrangement *mulavargadara* sells a portion of his land to another individual. However, this transaction is not recorded in the original land documents. Although land is left under the control of the buyer, it remains, on document, in the name of the *mulawargadar*. Here, *mulawargadar* collects a prefixed amount from the buyer,

remits the payable revenue to the government, and retains the remaining money for his self. To sum up, under this practice, *mulawargadar* functions as a mediator between the government and the verbally-approved buyer. It is also called as 'moggu.'⁶⁸

In 'kudutaledar' practice, *mulawargadar* sells a segment of his land by recording it on the deed of sale. The amount to be remitted to government as revenue from the transacted land is also mentioned in the same deed of sale. The revenue is directly paid by the buyer to concerned office. Such a buyer is termed as 'kudutaledara.' Nonetheless, if the landlord or *mulawargadara* failed in his duty to pay the land revenue of his remaining land at determined period, the land of the buyer could also be auctioned simultaneously.⁶⁹

The Land Revenue System introduced by Munro

Munro's chief objective was to establish an efficient administration in Canara. After assuming office in the region, he intended to collect maximum of land revenue in a minimum expenditure possible. The short duration in which Munro held office, a large amount of time was spent in curbing anti-British revolts. In the course, he had accepted the existing revenue practices without suggesting any modifications in it. In his understanding, both South and North Canara had already instituted a well-established system of private land ownership. Although it encountered difficulties during Haider and Tippu's period, it retained its original worth due to the prevalence of many small scale land holdings.⁷⁰ Munro had severely criticised the mode of revenue collection exercised in Canara during the reign of erstwhile Mysore kings like Haider and Tippu.⁷¹

Munro attempted to win over the credence of local population by retaining the same land revenue system already existing in South Canara. However, the demand of the period was to implement Lord Cornwallis's Permanent Settlement in entire British India.⁷² There were no large scale landlords in South Canara so as to implement the Permanent Settlement or Zamindari system modelled on Bengal. Further, for Munro, Dakshina Kannada didnot exhibit the same conditions as Bengal. When he arrived in South Canara to assume office, even Munro was directed to divide the district into many large scale estates.⁷³ Munro, however, was against the implementation of such a policy. In his opinion, it was appropriate to lease out the land in Bengal to the wealthy, as Bengal was not aware of private land ownership and was largely inhabited by the poor. On the contrary, a huge proportion of land in South Canara was under individual control, and

was hereditarily passed on from generation to generation in the form of gift. The records here were more diligently maintained than in England, and therefore, Munro held an opinion that it is better to collect land revenue from the existing prominent landlords or *mulawargadaras*.⁷⁴ As a result, the system he proposed as a better alternative for South Canara was Ryotwari system. Following are the words of Munro about the implementation of Ryotwari system in Dakshina Kannada: *I whatever way I view the question of great and small proprietors, I am perfectly satisfied that the preference have to be given to small ones, and that government ought to make its settlements immediately with them. Under such a system, the gross produce of the country will be greater and the collection of the revenue will be regular as under that of great land lords.*⁷⁵ Further, according to him, to divide South Canara into estates was to catapult the situation back into one or two centuries. In such a scenario, Munro opted to implement a revenue system that was more suitable to the local conditions in Dakshina Kannada.

The land revenue system proposed by Munro to the Canara province is termed as Ryotwari System. It was so much so associated with his name that the Ryotwari system was also popularly called as 'Munro System.' It was an arrangement affected with the real owners of the land, *mulawargadara*.⁷⁶ Without the aid of any mediators, the land revenue was directly remitted to the government by the *mulawargadara*. However, this Ryotwari practice was distinct from the systems prevalent in other parts of the country.⁷⁷ In this province of South Canara, no agreement was carried out with the actual tiller or tenant farmer of the land. In fact, *mulawargadara* had let his land out for cultivation through *mulageni*, *chalageni* and *vaayide geni*. He collected tenancy payment from the tiller and remitted land revenue to the government.⁷⁸ To sum up, under this system, there was no direct agreement with the tiller of the land, but it a revenue understanding was carried out with *mulawargadara*. An aspect to be noted here is that, *mulawargadara* was further identified in terms of many small estates. Therefore, whatever might be number and variety of tillers employed by *mulawargadara*, he could cultivate in any piece of land of his liking and pay the stipulated revenue.⁷⁹ In this context, the major question that arises is which section was perceived as cultivators by Munro. The perception of farmer as assumed by Munro itself is a debatable aspect here. In his knowledge, agriculturalists did not refer to the actual cultivators of the land, but a class, i.e., *mulawargadara*, that let their land for tenancy in different forms. Even this practice, like in Bengal, appears as a kind of Absentee land lordism.⁸⁰

Analyzing the land revenue system implemented by Munro in Kasaragod taluk, K K N Kurup says the following:⁸¹ *Though scholars like R.C. Dutt had analyzed Munro's ryotwari system as a settlement with the ryotwari of cultivating peasant in his capacity as proprietor, in practice the idea of Munro was nothing but a land monopolist or zamindar who possessed thousands of acres of land and remained an absentee land lord.* However not all *mulawargadaras* possessed thousands of acres of land. The chief objective of Munro's system was to enter into agreement with those who possessed title deeds or authority (*patta*). The question of if they were the actual cultivators of the land didn't arise here. While some of the affluent *mulawargadaras* did in fact had acquired thousands of acres of land, some others were *mulawargadaras* of a small scale. Nonetheless, in all such varied contexts, the only criterion to fix land revenue was the Title deed of the land.

Emergence of a new system

When placed at the backdrop of an analytical critique, and rights and obligations of the then existing proprietorship, Munro's Ryotwari experiments drastically altered the rural economy and nature of social dominance in Tulunadu or Dakshina Kannada. There have been opinions that the 'reconstruction of historical revenue system' undertaken by Munro in the region, re-establishing the revenue practice of pre-Haider Ali period, was, in fact, artificial in its nature. Munro had claimed that he had reconstructed the erstwhile revenue defining practices based on ancient black books preserved by the village secretaries.⁸² Such files or black books were maintained from the times of Vijayanagara period. Munro further claims that although Haider and Tipu Sultan had prohibited and destroyed such file books, it was possible to recreate the revenue practices as many of such 'records' were still available. However, according to Surendra Rao, writers like John Sturrock and Burton Stein have expressed their suspicion about the existence of such record books. He says in Stein's opinion, Munro's revenue system perhaps had the motive of justifying tax imposition to a certain extent, not leading to the rebellion of prominent Zamindars in the Canara province.⁸³ Further Rao continues that according to Burton Stein, the practice of levying land revenue was unheard of in Canara region prior to the rule of Vijayanagara king Harihara. Individuals with small scale land holdings had to be won over by imposing reduced amounts of tax. The working principle behind Munro's historical discretion of collecting revenue from powerful landlord groups was to

merely inform his higher authorities in Madras, not to obtain their permission, and only to persuade *mulawargadara* or landlord in favour of the Company.⁸⁴

One important aspect to notice here is that, while Munro launched a scathing critique of the land revenue system followed by Haider and Tippu, he did not engender a system that was markedly different from that of Haider and Tipu duo. Emphasising more on tax payment in the form of cash, Munro offered discount only in dire cases of inability to pay tax. He did not entertain any revenue deduction in other cases.⁸⁵ Although he held the motive to reduce tax amount initially, in the later years there was an alteration in his stance. According to him cases related to land were much higher in number compared to Baramahal province. Out of the twenty cases that are brought under their jurisdiction, nineteen were related to land issues. In such a scenario, Munro assumed that however high the land revenue, land was a very crucial and valuable property in the region. He rationalized that if land was not of that worth, people would neither have spent so much of time and money over it. He therefore, believed it superfluous to entertain any discount or waiver during the collection of land revenue. Further, he had merely considered himself as a tax collector. He thought it was his responsibility only to investigate and submit reports, while reduction in the tax amount was entirely under the jurisdiction of the Madras Revenue Board.⁸⁶ The Land tax system proposed and implemented by Thomas Munro functioned efficiently in the initial years of Company administration. However, increased tax demands in the form of cash payment, and a ruthlessly efficient mode of collecting tax adopted by the colonial masters posed plenty of economic hardships to the people. The agencies which had performed the task of collecting tax until now lost their authority and independence. Eventually, farmers could not remit the excessive tax imposed by the Company, and had accumulated revenue liability. This also enhanced the number of civil cases in the region.

The positive aspects of Munro system were to acknowledge the existing system and to strengthen it further. His objective was merely to ensure that the landlord deposits revenue directly to the government without the aid of any intermediaries, and to create a category of cultivating landlords in Dakshina Kannada. However, as he laid excessive emphasis on the payment of tax in the form of cash, many farmers resorted to the financial aid of usurers. Thereby, even the *mulawargadaras* were unable to collect tenancy payment from the tillers. As a result, even landlords sought the help of usurers in order to remit unpaid revenue to the government. Unable to repay the money borrowed

from usurers, many *mulawargadaras* were forced to sell their lands to the confiscating usurer class. It further resulted in the rise of many Absentee land lords. Many *mulawargadaras* turned into tenants (*okkalu*) eventually. As evident, Munro system was flawed in its characteristics and the claim for reconstruction of Vijayanagara system was infused with deceit. The Madras government also didnot question the nitty-gritty of Munro system. No one bothered to examine the ancient Black Books preserved and maintained by *mulawargadaras*. As a consequence, the large scale landlords in every village amassed more and more properties and landholdings.

Also, Munro's implementation of a contrived historical revenue system in Dakshina Kannada led to many revolts. Through the mediumship of village patels, shyanubhags and wealthy landlords the British embarked on controlling the agrarian life of people⁸⁷. As a result there were rebellions in 1811, 1831 and 1837. In 1811 the price of rice fell to its lowest level. Nonetheless, the government didnot announce any deduction in the tax amount. It led to a huge dissatisfaction among the farming community, and resulted in the Coot Rebellions in 1831 or peasant unrests. Between 1827 and 1830, Dakshina Kannada was not only affected by severe economic depression, but the excessive revenue and inequalities in land survey also ignited farmers in rebelling against the government. In 1837 a riot was spurred off by Kalyana Swamy, and the accumulated grievance of local farmers in the district also erupted in the form of uprising against the colonial administration.

Although British officials like Collector Harris had realized that inhumane, excessive tax imposition was the reason behind farmers' disloyalty towards the government in Canara's Tulunadu and other places, they were not ready to acknowledge it officially. There were no significant efforts on the part of the government to improvise farmers' situation, to re-examine the colonial policies or to reform the revenue administration.⁸⁸ The colonial logic of maximum tax collection against minimum responsibility towards social welfare was the chief reason behind their apathy. We could recall the dual governance system introduced by the British in Bengal in 1765 here. Only at the surface level they assured reformation among colonials and alleviating policies. The ever-widening gap between colonial promises and its implementation held the motive of conquering the nationalist sensibilities, and it in fact destroyed the ethicality of colonial administration.⁸⁹

Western influence and native stances

The administrative system set up by the British in South Canara or Tulunadu had District Governor as its supreme authority, and the Collector, in reality, had centralized all the power in his hands. He had envisaged delivering maternal governance to the citizens. The local representatives of colonial administration were inducted from the traditional elite group like *guttu* chiefs and *patels*. It was not British generosity but an actual necessity that had paved way for their induction into governance. To conduct administration at the levels of village and Hobli it was prerequisite for the British to employ natives who, were knowledgeable about the local population and landscape.⁹⁰ Even from a practical perspective, British required assistance to supervise labour force at the lower levels. Both from economical and managerial point of view, it was not feasible to import governing body from England. Therefore, the Company administration had determined to adapt traces of the prevalent local governance, and to deploy it for formal assistance.

The expectation and crucial matter for new system was the Britishers effort to win over prominent local family lineages. Nevertheless, it was not completely successful in its endeavour. The excessive criticism launched by the British against Haider and Tippu Sultan's revenue exploitation did not compare favourably with the equally elevated tax and effective collection carried out by them. As said earlier the first three decades of 19th century witnessed two instances of peasant rebellion.⁹¹ According to the next Collector of Dakshina Kannada Alexander Reid, the mobilizing zeal prevalent among the peasants of Canara was directed towards the gruelling situation created by the apathy of authorities in the face of economic depression, recession in rice value, and other farmer difficulties.⁹² Koot or peasant rebellion in Dakshina Kannada was a result of the disdain of farmers against colonial administration and their emphasis on social welfare.

To assess reasons behind the Koot rebellion, to investigate events around and to recommend preventive measures, the third member of the Madras Revenue Board John Stokes was appointed as a commissioned officer. Stokes declared that none of the revenue policies of British government were responsible for the Koot riots, and thereby, he sided with the British officials.⁹³ In his opinion, the Koot rebellions were an outcome of the Brahmin-Bunt conspiracy against christian presence and influence in the administration.⁹⁴ Accordingly, the recommendation proposed by Stocks to prevent such

rebellions was to convert the managerial role of *patel*, *shyanubhag*, *shirastedar* and others as hereditary, and to officially appoint them as public servants.⁹⁵ This proposal clearly approved the necessity to induct *patels* and *shyanubhags* into colonial service. This not only provided the British with ample contextual knowledge but also created a local support base. Further, it even convinced the established village leaders that they were welcome in the new administration.⁹⁶ Another recommendation of John Stocks was to reduce the number of *patels*, and to restrict one *patel* to each *magane* instead of one to every village. He assumed that it would be difficult to contain and dominate the growing number of such village chiefs if they turn disloyal towards the Company.⁹⁷ John Stock's proposals reflect the British response to cases of singular and contrived resistance, and the question of formulating and effectuating zones of cooperation, especially during the period of British empire's expansion.

By the end of nineteenth century *Patels* were expected to succeed in an examination to prove their eligibility. Considering it pertinent to select from the village best, the British government decided to conduct entrance tests for the posts of *patels* and *shanubhags*.⁹⁸ Only the blood relatives of current *patels* and *shanubhags* could compete in that examination. They were expected to possess an authentication certificate from the District Collector in this regard. The posts of village *patel* and *shanubhag* were largely held by Bunt and Brahmin castes.⁹⁹ Britishers particular inclination towards these castes was not the reason behind such a scenario. Rather, the recognition extended to economic and social hierarchy and equation in the villages performed a key role here.¹⁰⁰ In a traditional Hindu society a large proportion of educated elite belonged to Brahmin caste. Education was more appropriate for their clandestine activities so far. However, after the arrival of British, the description and demands of education altered in a significant manner. Exclusive educational practices were in no way relevant for British except for their personal intrigue.¹⁰¹ They merely required a workforce with mundane education so as to conduct administration at subservient levels. Gauri Vishwanath opines that, education had to function as a subtle tool of colonial ideology – operational statements and conquest.¹⁰² Nonetheless, British did not shun from the thought and requisite of employing the hereditarily upper caste section. On the other hand, in the changing scenario, the upper caste people also were not ready to shed opportunities of acquiring a visible presence.¹⁰³ In order to attain that status, they had to be geared up for novel education, and also understand the language of cooperation and submission. Although

Brahmins were the foremost in reaping from modern education, other upper castes like Bunts and Jains could acquire as well without the restraints of Brahminical scriptures. In Dakshina Kannada, non-Brahmin castes like Bunts also realized the necessity of acquiring new education and to reap benefits from the novel opportunities it brought along. For all the communities of Dakshina Kannada the new education materialized as a threshold of progress.¹⁰⁴

The Catholic and Basel missionaries along with the government initiated many educational institutions in Dakshina Kannada. Although there was hesitation in the beginning to participate in foreign education, eventually it percolated into many sections of the society. Brahmins were the earliest to alter their preference in education. While this was the common phenomena in entire colonial India, there were aberrations as well. According to Surendra Rao, the Nambudiri zamindars in Kerala considered the new education as a threat to their esteem and sanctity. Nayars and Ezhavas capitalized on the opportunities ignored by the Brahmins, and paved way for social transformation. While Christians embraced foreign education as a shelter, the rest of the population followed cautiously. For many, education amounted to new means of livelihood. Many non-Brahmin communities also required a few decades altogether to partake in the mainstream education and to reap benefits from it.¹⁰⁵ In the pre-colonial period, learning in India was largely conducted and controlled by the temples and religious institutions like *maths*. This state of affairs witnessed a massive transformation under the colonial organization.

The new colonial system in Dakshina Kannada diverted the flow of society towards increased and fast-paced urbanization. Historically a harbour city Mangalore increased its pace of development, and merchants from around Mangalore pulled in towards this city. It emerged as a major window towards the west and as a prominent transaction centre with facility for import-export activities. The accelerated speed of Mangalore's urbanization process could be understood as a result of the following: its location as an administrative centre, its significance as a strategic site, its distinction in internal and international business transaction, the facilities available for industrial growth, Basel Mission's arrival, and the development of modern education.

Dakshina Kannada or Tulunadu experienced a significant transformation during the British regime. Due to the mercantile and imperial policies of the British government,

different sectors like trade, commerce, transportation, industries, urban maintenance, etc witnessed historic metamorphosis.

Both rural and urban areas were redefined and remobilized under the conceptualizations of *modernity* introduced by the British regime.¹⁰⁶ In order to modify agriculture into an industry, the British government introduced Plantation Economy, and attempted to transform cultivation into a profitable enterprise and as a supplement for industrial economy. However, this process adversely affected the small scale peasants, exerting unfavourable impact on local economy.¹⁰⁷ As the British economy was industrial and urban-centric in nature, quite naturally, the towns and cities of Tulunadu developed rapidly as centres of trade transaction. The new phenomena of migrating from rural to urban areas also emerged. Modes of development like road and rail transportation exerted tremendous influence on the day-to-day existence of Tulunadu's people. Missionaries introduced innovation in the fields of education, health, industrialization, etc through their activities. Although such a development was initially perceived with suspicion in Tulunadu, eventually they were embraced as essential ingredients of the progressing life.¹⁰⁸

Colonial Judicial System and Administration of Law

The origin of uniform judicial system throughout India could be located with the arrival and expansion of British East India Company in the beginning of seventeenth century. Through its various charters the British Company initiated a justice system in major settlements like Bombay, Madras and Calcutta in early seventeenth century. As a matter of fact, it was initially implemented in relation to the Company's internal administration. The Governor and his Council in all these cities had independently structured this justice system. While Bombay and Madras Courts were called as 'Admiralty Court,' the Court of Calcutta was referred to as 'Collector's Court.' These Courts possessed the authority to adjudicate in civil and criminal cases. However, they were not only accountable to the British East India Company, and not to the Crown of Britain. In a sense, it was a mercantile judicial system.

The Charter issued by British King George I on September 24th, 1726 is a major development in the history of judiciary in India. As an upshot 'Mayors Courts' were set up in Bombay and Madras in 1726. 'Mayors Courts' were not subservient bodies of the Company. They were established by the king of Britain, and were directly answerable to

that position. Eventually, the three other courts in Madras, Bombay and Calcutta lost their significance, as Mayors Courts raised in prominence. The authority to investigate all civil cases was handed over to the Mayors Courts. But its jurisdiction was restricted to the Presidency cities and region where Company factories were present. Nonetheless, Mayors Courts have contributed immensely in the genesis of judiciary in India.

The King of Britain George II decreed another Charter in 1753 AD which nullified the Charter of 1726 AD. According to the new Charter, the Mayor Courts were re-established in the three major Settlements of British. They were entrusted with the power to investigate cases pertaining to only British and other Europeans. These three Settlements also had set up different courts to resolve local matters. In Madras, the cases of around 20 pagodas worth were investigated by Choultri Courts. Until 1800 AD they held the authority to conduct enquiries into small cases. In Calcutta, the local courts were called as Zamindari Courts, wherein the East India Company assumed the role of zamindars in conducting the judicial proceedings. Civil cases related to land, property, personal conflict, etc were resolved at this level. Criminal cases in Calcutta were entrusted under the investigation of 'Justice of Peace.' Despite these developments, Bombay didn't own a separate local court for its residents. Because, the East India Company not only held absolute sovereignty in Bombay, but also did not differentiate with the local population.

After the victory of East India Company in the decisive Battle of Plassey in 1757 AD, its judicial responsibilities expanded enormously. As an aftermath of the Battle, the British Company's governance was not only established in Bengal, but it also spread into other parts of India in the next hundred years. As the Nawab of Bengal had only procured *nizamat* rights from the British, the authority of enquiring into criminal cases rested within his purview. As a result, the Company's sovereignty was imprinted on a large portion of eastern India. In order to reign in the activities of the Company, Regulating Act was passed by the British Parliament in 1773 AD.

This Act was a foremost effort of the British in launching a distinguished judicial system in India. It paved way for the setting up of Supreme Court in Calcutta. It consisted of a Chief Justice assisted by three junior judges. On similar lines as prevalent in Britain, the Supreme Court here was a Recorder Court possessing the authority to enquire into civil, criminal and administrative cases. It could investigate petitions of all British citizens

residing in Bengal, Bihar and Orissa regions. An appeal against the verdict of this Supreme Court could be carried over to the king of Britain.

In 1797AD the British Parliament issued a decree abolishing the Mayor Courts of Bombay and Madras. It further assented to the establishment of Recorders Court in Madras. Recorders Court was in fact a recorders judiciary consisting of one Lord Mayor, three Aldermen and a Recorder. Recorder was the Chairman of this Court, and was appointed by the Governor. His appointment required minimum five years of experience as a judge. In 1801 the Recorders Court was replaced by Supreme Court in Madras Province.

Through eighteenth and nineteenth century the administrative and police systems prevalent in Indian cities were as defective as the British Towns. Crimes were rampantly committed, and the Police department was seeped in extreme corruption. Lord Cornwallis had realized that unless reforms were brought into the Police department it was not possible to effectively restructure the judicial system. Especially in Bengal all the criminal proceedings were under the control of the nominal king Nawab. Warren Hastings had previously attempted to introduce modifications in this system, but in vain. Simultaneously a multilingual Indologist like William Jones had translated many ancient judicial scriptures of India into English language. Such translation corpus was created to augment the English judges' knowledge about ancient Indian judicial procedures.

In 1787, Lord Cornwallis extended limited judicial authority to the Company's Revenue Collector. The Collector was already functioning as Civil Magistrate in the region. With Cornwallis' intervention, the Magistrate's office was attached with the additional responsibilities of both civil and judicial administration. In 1790 AD the Company confiscated all justice related power from the Bengal Nawab, and many mobile courts were established. Its central office was set up in Calcutta, and was given the authority to scrutinize the functioning of mobile courts. Nevertheless, most of its judges were foreign people. Lord Cornwallis had made sincere efforts to collate the judicial processes operating in that period. His effort is cumulatively referred to as 'Cornwallis Code.'

Emergence of Colonial Judicial System in Dakshina Kannada: Judicial Practice of Cornwallis

As in the whole country, in Tulunadu or Dakshina Kannada also, the village justice was dispensed by *patel* assisted by *karnum* or *karanik*. The *patel* was at once 'judge', 'magistrate', and collector within his village. In the former of these capacities, he settled the disputes which occurred within it, assisted in cases of importance by a panchayat or native jury, whose judgement was subject to an appeal to the Amildar or Collector of the province. This was in regard to questions of property or personal right. In cases of caste or religious disputes, the trial was conducted by the different castes assisted by panchayats. Where the collector was appealed to, he either decided the cases himself or formed a panchayat to help him. Panchayats were constituted in two different ways. For the original panchayat each party nominated two members and the head of the village nominated one. But as the members of this panchayat were likely to become party themselves, recourse was often had to another method, by which the *patel* first chose them and disputants were allowed to challenge and get any of them changed on reasonable objections. Here the number varied from five to fifteen or more. In the matter concerning a share of a sarvamanyam or rent free village held by brahmins, the whole proprietary body would sit as panchayat. In all ordinary cases where the litigants were of different castes, the members of the panchayat were chosen from the various castes to ensure a just decision. There is a consensus of opinion among those who led an intimate knowledge of the system that the panchayat had a high character of justice¹⁰⁹.

The origin of British justice system in South Canara or Tulunadu could be identified with Cornwallis' methods of justice. It was first introduced in Bengal in the year 1793 and then was extended to Madras Presidency in 1802. The British Parliament issued a bill in 1800 authorizing the British king to set up a Supreme Court in Madras. As a result, Madras Supreme Court was established on September 4th, 1801 in the place of Recorders Court. Later in 1802 the Madras government through its different Regulations set up Civil and Criminal Courts under the Supreme Court, and laid out their jurisdiction, authority and structures. District Magistrate Court, Circuit Courts and Faujudari Courts were established in the same year, defining their functional scope and authority.¹¹⁰ Circuit Courts were also called as Provincial Courts. To elaborate, the Circuit Courts were called as Provincial Courts when they functioned as Civil Courts, and were called as Circuit Courts when they fulfilled the role of Criminal Courts. According to the

Regulation of 1802, the designation of District Magistrate was converted into District Judge or District Civil Judge, and he was given the power to adjudicate over trivial matters and to maintain law and order in the respective districts. Further, criminal cases were brought under the purview of Circuit Courts.¹¹¹ In addition, according to the VIIth Regulation of 1802 four Circuit Courts were established in four divisions of the Madras Presidency under the supervision of a Circuit Court. These four divisions were: Dindgal, Kistnagherry, Ellore and Chicacole, and they included many districts of Madras Presidency or Fort St. George. Every Circuit Court consisted of three judges, and on rotation basis every six months they travelled to different districts under their jurisdiction to adjudicate cases. The Chief Judge was stationed in Sudr Station, and he supervised the functioning of Civil and Circuit Courts.¹¹² The VIIth Regulation of 1802 was revised in 1808, and according to its VIth Regulation the Chief or senior Judge of Provincial or Circuit Court was ordered to function as mobile judge like the other two judges under him. Every Circuit Court was appointed with Qajis and Muftis. One of these two was required to travel with the Chief Justice of Circuit Court. Furthermore, if necessary their opinion was sought during justice proceedings.¹¹³

In 1802 a few modifications were introduced in the scope of four circuit courts. They were termed as Northern, Central, Southern and Western part circuit courts. Their central or Sudr Stations were transferred to Masulipatam, Arnee, Madhura and Tellicherry. After some time, the headquarters of Central and Southern division were shifted to Chittore and Tiruchinapally respectively. During this arrangement, Canara and Sonda province came under the functional purview of western division. Tulunadu of Canara province was also brought under the colonial judicial system of the British. All those modifications and organization were carried out as per the Regulation XXIV of 1802, and Regulations of 1803 and 1806.¹¹⁴

Following the Regulation VIII of 1802, a Foujudari Adalat Court was also established. All criminal cases were brought under its jurisdiction, and the ultimate verdict in such cases was adjudicated here. Foujudari Courts supervised the functioning of lower courts, and they consisted of Governor, his Council members, and assisted by Muslim law officials.¹¹⁵ According to Section VIII and Regulation VI of 1802, the District Magistrate was empowered to impart justice in minor cases. They could adjudicate in cases related to indecent language, assault, berating, etc., the Magistrate could imprison the guilty for around a fortnight and could impose a penalty upto Rs.50. And, if the culprits were

affluent landlords and other zamindars, the penalty amount could go upto Rs.200. As per Section IX and Regulation VI of 1802, the District Magistrate was extended the power to confine the guilty for about a month in cases like theft and robbery. All cases beyond their jurisdiction should be forwarded to Circuit Courts for final verdict. Circuit Court enjoyed the privilege of adjudicating over all cases brought under their scope. However, cases where death penalty or life imprisonment could be pronounced were to be transferred to Foujudari Adalat Courts.¹¹⁶ According to the Regulation IV of 1803, the authority of Foujudari Adalat Court was curtailed pertaining to Malabar. It was, however, continued in the same shape in Canara and Sonda provinces.¹¹⁷

Until 1803, all the appeals against the verdict of District Collectors in civil cases was enquired by the Madras Revenue Board. District Collectors not only enjoyed the authority of revenue collection but also could investigate into civil cases. However, with the Regulation I of 1803, different courts were established in some districts to inspect all civil and criminal cases. But the Madras government did not consider this system appropriate. It was thought that a sudden deprivation of adjudicating powers from the Revenue Board that had hitherto investigated all appeal cases was not a welcome change. According to Section XVII and Regulation II of 1803, the District Collector was continued with the authority to enquire into district level civil offences in places where the District Court was not available. These District Collectors were expected to adjudicate without any predilection or favouritism. Further, they were required to submit all documents pertaining to their duties in English alone.¹¹⁸ Collectors were also given the power to investigate appeals of farmer harassment by land holder, public officials and so on. If such appeals were proven to be authentic, the Collectors possessed the authority to dictate guilty to indemnify the victim. Owing to these powers, the designation of District Collector was altered to Collector and acting Magistrate. In 1804, Dakshina Kannada or Tulunadu, a part of Canara, was brought under the authority of Collector who enjoyed revenue and magisterial powers. In the same year, George Gowan was appointed as the Registrar of all Collectors in Dakshina Kannada. Alexander Wilson was appointed as the Registrar of Collector Court in North Kannada.¹¹⁹

In 1805, the Collector Alexander Reid sent all cases related to Dakshina Kannada directly to the Madras Governor and his Council to investigate whenever the District Circuit Court was not functioning (on leave). It could be suggested that such cases were enquired into by the Sadr Court and Foujudaree Courts, or the Circuit Court of western

division. The Governor of Madras also held the same opinion.¹²⁰ According to the Regulation VI of 1806, the judicial powers extended to the Governor and his Council were withdrawn. Prior to this, they also functioned as the Judges of Foujudaree Courts. After a while, the judicial authority was vested with a Council of three judges. The first Judge of this Council was the Governor of Madras Presidency or Fort St. George. The other two judges of the council belonged to the Civil Covenanted Service of the Company. As per the Regulations I and III of 1807, many more modifications were introduced in judicial constitution. Accordingly, the adjudicating powers of the Governor were withdrawn. Members of the Company's Civil Covenanted Service were appointed as judges of Sadr or Civil Courts and Foujdaree Adalat or Criminal Courts. Further, these judges were also appointed as the members of Governor's Council.¹²¹ As the Sadr and Foujudaree Courts in Madras were Appellate Courts, they exercised the authority to pronounce final verdict in capital cases.

District Court

In 1806 many district level courts were established in different districts of Madras Presidency. As a result, a District Court was also set up Mangalore in the same year. Canara and Soonda provinces were brought under its jurisdiction, and a new English official was appointed as its judge. He was given the designations of Judge and Magistrate. On 11th of August, 1806 Thomas Marris Keate was appointed as the Judge and Magistrate in Mangalore District Court. The then Collector of Dakshina Kannada Alexander Reid had administered the oath of office to Keate.¹²² The physical structure of legal justice took clearer shape after the establishment this court in Dakshina Kannada. According to the II Regulation of 1806, the judicial powers vested in District Collector before the establishment of district Courts were revoked.¹²³ With the curtailing of Magisterial authority of the District Collector, his responsibilities were restricted to tax related issues, and he remained merely as the executive official of the province he was in charge of. The District Judge and Magistrate possessed the authority to investigate into major criminal cases occurring within the bounds of his district. He was assisted by 'Muftis' to suggest about Muslim laws, 'Pandits' to advice about the Hindu regulations and other judicial and prison authorities.¹²⁴ Prominent ministerial officials among them were: Sherestadar, Gomastah, Record Keeper, Native Register, English writer, Persian Moonshee, persian writer, Hindi and Konkani writer, Tulu and Malabar writer, Vakeel of Government, Brahmin, Mulla, Shroff, Machus, Inkamkar, and so on. Further, major

magisterial officers were Jewabneess, Canarese Moonshee, Persian Moonshee, Assistant Monshee, English Writer, etc.¹²⁵ Registrar Courts were set up under the District Courts, and the local Commissioner Courts were established under the Registrar Courts. The Company's finest officials were appointed as the Registrars of these Courts; and locally respected landlords, Jagirdars, merchants and Khajis were appointed as local Commissioners.

The District Judge and Magistrate was furnished with the authority to resolve all minor criminal cases according to the Mohammadan laws. In this endeavor, he was, thus, assisted by Qazis and Muftis. These judges possessed the power to punish perpetrators in such minor cases. For example, imprisonment upto one year, penalty upto Rs. 200 could be levied on the pronounced guilty. All the cases apart from minor criminal disputes were to be referred to the Circuit Courts.¹²⁶ The Circuit Court sent a Judge of its office to the districts in order to resolve the major cases. He was accompanied by Qazis and Muftis. The verdicts issued by Circuit Courts could be forwarded to the chief criminal Court of Faujdaree Adalat Court for final judgment. Faujdaree Courts thus functioned as the final Courts of appeal in this structure.¹²⁷

From 1800 onwards the Sub-Collector of the region functioned as Magistrate in the northern region of Canara, Uttara Kannada. His central office was stationed in Honnavar. In 1806, the Madras government opened a Magistrate Office for Uttara Kannada province in particular. On 1st of December, 1806 Alexander Wilson was appointed as the Acting Judge and Magistrate of Uttara Kannada. He has received his oath of office from the Collector of Canara, Alexander Reid.¹²⁸

The Judge and Magistrate of Dakshina Kannada district followed both Hindu and Muslim Law codes as guided by the expertise of local judicial officials. However, he could deploy his conscience, sense of equity and justice while administering verdicts when the suggestions offered by Hindu-Muslim law officials did not appeal to him. The Zillah Judge and Magistrate was given the benefit of a Government Pleader. In 1808 Narnapah was the pleader of the Zilla Court of Mangalore.¹²⁹ The Registrar Court and Native Commissioners Courts were subsidiary judicial offices under the District Courts. If the District Judge was on leave, or during the period between the retirement of earlier district judge and the appointment of a new judge, the Register of Register Court was required to perform the duties of District Judge. He was appointed from the official cadre

of the Civil Covenanted Service of the Company,¹³⁰ and he was vested with the power to decree in cases upto the value of Rs.200. The Register's verdict was final in cases worth upto Rs.25. The Commissioner of the Native Commissioner's Court were selected from among the society's esteemed groups like Zamindars, Jagirdars, merchants, Khajis, and so on. This cadre was also called as Sudr Amins. In 1816 there was only one Sudr Amin in Dakshina Kanada.¹³¹ The XLIX Regulation of 1803 and XV Regulation of 1805 related to the Bengal Law paved way for the establishment of Sudr Amin Courts.¹³² In 1843 the designation of Sudr Amins was converted into Principle Sudr Amin. They not only investigated into cases upto Rs. 80 value, but also mediated between the two parties. They functioned as Munsiffs in cases involving land holder and farmers.¹³³ According to Act XXIV of 1836, passed by the governor General of India in council on 10-10-1836, the judicial officers in the Regulations of the Madras Presidency designated as native judges and native criminal judges, from 1st November 1836 onwards, were designated as principal Sadr Amins. Further the disabilities imposed on the natives to become Amines, Sadr Amins and Munsiffs by reason of birth or by reason of descent were also removed.¹³⁴

The District Judge and Magistrate's verdict was final in cases worth rupees one thousand. The cases surpassing the value of one thousand were referred to Provincial or Circuit Courts. However, according to the Act of 1809, the Provincial Courts could challenge all the judgements passed by the District Courts. In the same year, the investigative jurisdiction of the Court of Registers was increased upto the value of Rs. 500. Nonetheless, the Registers' authority to pronounce final verdict was revoked. The Hindu and Muslim law officers of the Zilla Court came to be appointed as 'ex-officio' Sadr Amins or head Referees in the same year. They were given the power to decide suits up to the value of Rupees 100. Their jurisdiction was raised to Rupees 70 in 1818 and Rupees 2500 in 1833.¹³⁵

The system of private land ownership existing in the region called *mulawaragadara* was hereditary in nature, and possessed a significant antiquity. Bearing this same fact in mind, the first Collector of Canara Thomas Munro had introduced the Ryotwari System of revenue collection here.¹³⁶ Uniquely, every farmer in this region desired to possess at least a small piece of land. Therefore 'land' became a primary reason behind all conflicts between cultivators and land lords; between tenants and tillers. It is essential to examine the land-related judiciary evident in this region which emerged at the backdrop of

mulageni, chalageni, vaide geni and other efforts of the British to heighten land revenue here.¹³⁷

Transfer of the District Court

In 1808 the District Court was transferred from Mangalore to Honnavar of Uttara Kannada.¹³⁸ This shifting was a result of the Madras Government's decision to set up one single Court for both Canara and Soonda provinces. Originally it was planned to shift the central office of Judge and Magistrate to Kundapura, as it was considered to be at the middle of the Canara province. Further it was decided that the harbour region of Kundapura was more suitable in importing raw materials from across the ghat regions like Mysore.¹³⁹ Finally, instead of Kundapura, Honnavar was chosen to be the new centre. Mangalore was renowned for its trade transactions and industrial growth. That apart, for the Madras Sudr Adalat Court, District Court of Honnavar was prone to dacoity and Maratha invasion.¹⁴⁰ Further, by March 1st, 1808 around 3349 cases were pending for investigation in Honnavar. On the contrary, in Mangalore only 826 cases were pending for adjudication. Another significant aspect was the inevitability of a highly alert police force for its protection if the District Court was set up in Honnavar. The Supreme Court of Calcutta also had opined that Mangalore was more suitable for the establishment of a Court, thus rendering Honnavar as an apt location. It was supposed that Honnavar was a very extensive region in the entire province, and was in proximity to the north-east province as well.¹⁴¹ As a result, in July 1808 the District Judge and Magistrate office was cancelled in Mangalore, and relocated to Honnavar within the same month.¹⁴² On 11th of October, 1808 a new District Court was established in Honnavar. Alexander Wilson was appointed as the first Judge and Magistrate of the District Court of Canara and Sonda province in Honnavar, and all the documents pertaining to district judiciary were transferred from Mangalore to Honnavar Court. All the personnel of Mangalore Court were dismissed from their service.¹⁴³

Soon after, the people of Mangalore, its merchants, landlords united against this decision and submitted a petition to the Governor of Madras government, Sir George Hillaro Barlow. All the hazards faced by the Mangalore people with the Court being shifted to Honnavar was explained in detail in the petition. The difficulties pointed out by the petitioners included the problems faced by common people; the significance of Mangalore as a trading centre; increased number of land-related cases in Mangalore; and

the arrival of a large number of tourists and merchants from the country and abroad, etc. As Honnavar exercised lesser prominence in comparison to Mangalore, petitioners urged the Government to relocate the District Court back in Mangalore city. This petition was submitted on 6th of August, 1808, and was signed by 26 prominent traders, money lenders and 20 farmers.¹⁴⁴ However, the colonial masters didnot heed to the petitioners’ request, but continued with their decision. Surprisingly, in 1811 the Judicial Department of Madras Government decided to shift the District Court to Mangalore again. The Government by then realized the authenticity of claims made in the August, 1808 petition of Mangaloreans.¹⁴⁵ Acting on the recommendations of Sadr Adalat and Foujudari Adalat in March 1812, the Madras Governor ordered a transfer of District Court from Honnavar to Mangalore.¹⁴⁶ The Court functioned in Mangalore under the leadership of Alexander Wilson in 1812. He functioned until December 1814, and T H Babar assumed office as the new judge after Wilson. Nonetheless, the Cornwallis Justice System ended in 1816, and Thomas Munro’s judicial procedures were promulgated in the entire Madras Presidency soon after.¹⁴⁷

The following Table shows the gradation of courts and also the magnitude of the judicial cases in South Kanara in 1807¹⁴⁸.

Table 5.1

General Abstract statement of the Registrars furnished by the Zilla Judges of cases decided in their courts during the year 1807											
Zillahs	By the Judges in appeal from the decision of				Tried in the first instance by						Total
	The Register		The Native commissioner		The Judge		The Register		The Native Commissioner		
	Decreed or Dismissed	Adjusted by Rezeenamas	Decreed or Dismissed	Adjusted by Rezeenamas	Decreed or Dismissed	Adjusted by Rezeenamas	Decreed or Dismissed	Adjusted by Rezeenamas	Decreed or Dismissed	Adjusted by Rezeenamas	
Mangalore	5	..	..	..	565	433	862	471	..	..	2336
Honnavar	9	..	..	..	263	117	102	109	..	..	600

It is interesting to note that in the Madras presidency, the Mangalore court stood second in terms of the cases decided, next only to Rajahmundry. In Rajamundry it was 2362, but in Mangalore the total number was 2336.

The following Tables 5.2 and 5.3 show the amount of value of property held under decree of the Zillah courts upto 31-12-1807 and the amount of property under litigation in the Zillah courts upto 31-12-1807 respectively.¹⁴⁹

Table 5.2

Statement showing the amount of value of property held under Decree of the Zilla courts from the beginning to 31-12-1807			
Zillahs	Date of establishment of the court	Amount specified in petitions	Amount Decreed
		Pagodas-Fanams-Coins	Pagodas-Fanams-Coins
Mangalore	1-9-1806	4,30,718-8-45	1,11,250-29-35
Honnavar	1-1-1807	3,75,464-32-35	12,351-43-16

Table 5.3

Estimate of the amount of property under litigation in the Zillah Courts up 31-12-1807				
Zillahs	No. of cases remaining undecided	Amount of Cases undecided as specified in the petitions		
		Pagodas	Fanams	Coins
Mangalore	1105	1,87,299	29	49
Honnavar	3129	2,85,739	3	10

The working of this system was not very smooth. It had several defects. The new procedure, was overstocked with “cumbrous formalities” that rather embarrassed than aided litigants, with the result that arrears accumulated fast. According to the Papers relating to the Village Panchayat and the Judicial Systems of Administration, 1812-16, in the Zilla Court alone there were 31,482 suits undecided in December 1807. The Proceedings of the Madras Board of Revenue, of 27th November, 1820 mentions that, the village headman who was always in requisition as witness was subjected to great inconveniences, being called to and fro often fifty or hundred miles to the detriment of his cultivation in order to give evidence for some petty case involving perhaps 10 rupees,

which the *patel* himself could have settled more easily, speedily, and probably more justly. The unfamiliar mode of administering justice, besides, necessitated the employment by the parties of vakils or licensed pleaders who were generally considered a rapacious set of men.

The remuneration of these vakils as well as the high fees imposed on litigants by the court, debarred many from applying to the courts. It was cheaper for complainants to submit to be plundered than to seek redress. It further mentions, on one occasion a case was tried successively by the various judicial bodies including the Privy Council and involved an expense of 20000 pagodas or rupees 70000 to the complainant, yet the parties could not get their right¹⁵⁰. The villager had to travel for miles and wait for months and years before his suit was decided. In litigation arising from embezzlement and exaction where a large number of persons were concerned as witnesses or sufferers, justice was so tardy that, in the ordinary way many of the parties or witnesses die before the court can examine them. There fore, it is not surprising that many people were averse to seeking redress at the Zilla courts.

The greater part of the difficulties of the Company's administration arose from the unfamiliarity of the rulers with people's customs and character. Col. Munro writes to the Board of Revenue on 15th August, 1807 remarking on the strange mixture of fraud and honesty, that innumerable dealings were going on incessantly with little or no evidence, but on the other hand, the people would unhesitatingly perjure themselves about water, village boundaries, caste privileges etc, or for the sake of a relative, friend or fellow villager. Further even at that time, the peasants seem to have evinced a propensity for litigation, notwithstanding all the difficulties enumerated above. The peasants think nothing of coming a hundred miles with a complaint though the matter in dispute does not probably exist, the arrears would have been greater. The increasing subdivision of holdings and the vast amount of petty transactions carried on by small dealers constituted further difficulties for the judges, as all disputes concerning big or small sums involved the same questions of law. So the various limitations of the system led to the appointment in 1814 of a commission to examine and revise it.

The Munro System of Judiciary

Sir Thomas Munro was appointed as a Commissioned Officer to restructure the judicial system of Madras Presidency in 1814. Revisiting the older justice system of Madras or

the Cornwallis Practice implemented during the period of Lord Wellesley in 1802 was the chief purpose behind the appointment of Munro. Munro landed in Fort.St.George on 16th September 1814. He was prescribed to implement the amendments proposed by Court of Directors on 29th April, 1814. Thomas Munro and George Stratton formed the commission, and remained in office from 1816 to 1819. Munro had worked on the recommendations regarding the reformation of judicial system between 1814 and 1816, and the amendments were accordingly implemented through the Court of Directors.

These elaborate judicial recommendations were related to the Madras Government's Civil Service and Police administration. The recommendations of Court of Directors were quite extensive, and it was believed that their suggestions were grounded in the traditional practices prevalent in the region. They had concurred with the proposals submitted by Thomas Munro to the Madras Revenue Board on 15th August, 1807. In this letter, Munro argued for the use of Indians and of Indian institution as the sole means to penetrate that strange mixture of fraud and honesty in the natives of India.¹⁵¹ The Directors noted that the native juries or Panchayats were recommended, by Alexander Reid in 1794, by Munro in 1807, and by Mark Wilks and John Malcolm. They had fathomed the significance of local Panchayats that was hitherto unrecognized by the Madras government. On the subject of the native police also, the Court of Directors appreciatively noted Munro's views about the hereditary village watch constituting an adequate as well as acceptable form of local policing.¹⁵²

One of the major judicial recommendations of the Court of Directors was to withdraw the Police and Magisterial authorities from the District Judge and Magistrate, and to hand them over to the District Collector. It was one of the most significant suggestions made by the judicial commission under the direction of Munro along with George Stratton. As the District Collector travelled across the district in relation to matters of revenue collection, he was in possession of sufficient knowledge about the entire district in question. Such an extensive understanding and opportunities were not available with the District Judge and Magistrate located at the district headquarters. This recommendation was rejected by the Governor Council, as it opined that the District Collector should only be authorized to direct police department and oversee district administration. It refused to extend magisterial responsibilities to the District Collector. Abiding by the suggestion meant delivering judicial powers also to the District Collector along with executive authorities. The Governor's Council was not inclined to combine

adjudicative powers with that of the Executive.¹⁵³ Britain's philosophical orientation also contributed to this thought. The British constitution was designed on the principle of Separation of Powers by French philosopher Montesquieu, which had propounded that coalescing the authorities of three centers will result in the establishment of a totalitarian state. Erstwhile Cornwallis system had also enunciated the same. Nevertheless, the members of Madras Judicial Commission endeavored to persuade about the transfer of magisterial authorities to the District Collector. Their major argument was based on the highlights of the Court of Directors' recommendation on 29th April, 1814, the jurisdiction of District Collector and District Judge and Magistrate should not induce any conflict between them, and that the judicial administration should be conducted in a peaceful manner; to avoid extravagant maintenance of judiciary, and so on. However, none of the above was implemented. The District Judge enjoyed magisterial powers, and clashes continued between the two authorities. The governing bodies at district and village levels carry out both Collector and District Judge's rules of order. There is delay in adjudication as a large portion of the Judge's time is exhausted in exercising his magisterial powers, thus leading to the depletion of Court's functioning. The members of Madras Judicial Commission elucidated the above limitations to Governor's Council.¹⁵⁴

Ultimately, on April 29th and 13th September, 1816 the seven Regulations recommended by Munro and Stratton were implemented by the then Governor of Madras Government, Hume Elliot. The Seven Regulations were:¹⁵⁵

1. The village chief or *patel* or *munsif* or *magistrate* was appointed as Munsif, and was extended limited power to investigate civil cases. He could inspect and adjudicate into civil cases of a specific value, i.e rupees 10. Because *patel* has been discharging such duties at all times under every native government and he has always been accustomed, either by himself or by means of panchayat, to settle petty suits of his village. *Patels* are also fit to be entrusted with the charge of police of their villages.
2. The village *munsif* or *patel* or *magistrate* was given the authority to conduct village assemblies, and the scope of his power was determined. Because the Madras Judicial Commission recommended that the system of village panchayats in which every member has revenue duties to perform is calculated to be directed by single authority of the Collector. That if the full transfer is not made, the

complaints, prosecutions for petty cases such as abuse of language, calumny, inconsiderable assaults and affrays which by regulation VI Section.,VIII are cognizable only by Magistrate, must still be carried to the Zilla Court and still prove a source of great vexation to the inhabitants by their being compelled to go so far as from their homes. That if the full transfer were made,all these matters would be cognizable by the Collector as Magistrate, and might be settled on the spot, either by himself or by his Amildars vested with authority to hear complaints of this nature and to impose a trifling fine but not inflict corporal punishment.

3. District Munsif was constituted in every taluk, and his powers were clearly defined. They were given the power to hear the cases of value not more than rupees 200. The decisions of the district munsifs in suits where the amount in dispute did not exceed rupees were made final. The judgements of the district courts can be appealed to the Zilla Courts. The decision of the district courts used to be final in case of arbitration at the mutual consent of the two parties. But the district courts should submit the proof of impartiality and non-corruption to the Zilla Judge. The responsibility of identifying eligible individuals to the post of district judges or munsifs was given to Zilla Judge and the Collector.
4. The district munsif was imparted with the authority to conduct district Panchayat meetings on lines similar to those of village panchayats. It had power to hear the cases without the limitation of case value, on the condition that both parties should abide by the verdict and they should not question the decision in the appellate court.
5. Indian legal officials were appointed as Head Native Commissioner in divisional Courts. They could delve into cases referred by the District Judge.
6. The District Collector was vested with the authority to resolve cases of conflict involving village borders. He could assemble the village Panchayat for discussion through District Munsif. If the village Munsif's decisions were guided by predilection, the District Collector could intervene in such cases.
7. The Police and Magisterial authorities were reallocated from the District Judge and Magistrate to the District Collector. This limited the jurisdiction of Zilla

Judge to civil suits and enabled the courts to answer the demands of the country. The post of *Darogha* was discontinued. Police division at the level of village was brought under the control of Patels; at the district level were brought under Tahsildars; and, the division level Police were placed under the authority of Collector.

8. Criminal Courts were established in every district under the presidentship of District *munsif*. In cases of inheritance of succession to landed property between Hindus or Musalmans, the district *munsifs* were required to obtain an exposition of the laws from the native law-officers of the Zilla courts.

The 1816 Regulation or Munro System of Justice brought about a remarkable change in the entire Madras Presidency. All the district Magisterial and Police authorities in the hands of District Judge and Magistrate were transferred to the District Collector in the same year. Under the headship of District Judge, Criminal Courts were established in every district. In stead of Provincial Circuit Courts, the District Magistrates could refer criminal cases out of their jurisdiction to the District Criminal Courts.¹⁵⁶ On these lines, Munro's judicial system was markedly distinct from that of Cornwallis. While differentiating between the Executive and Judicial authorities was Cornwallis system's chief purpose, Munro did not abide by this principle in Madras Presidency. Under his judicial mechanism, the District Collector was converted into both chief magistrate and Chief Executive of the district in charge.

Munro System in South Kanara

Munro's recommendations of 1816 were implemented in Dakshina Kannada district as well. In November the same year, the Collector of Dakshina Kannada was turned into Collector and Magistrate of the district. C Ellis, the earlier District Judge and Magistrate, was appointed as the Judge of District Criminal Court. He transferred his magisterial and police powers to the District Collector.¹⁵⁷ More legislations were introduced in 1816 in order to assist the District Collector and Magistrates in maintaining law and order in their respective districts. They were supplied with the opportunity to command the culprit to be produced before them. However, the District Magistrate's earlier powers to investigate into minor cases were also continued.¹⁵⁸ The Regulation of 1816 authorized the Judges of District Criminal Courts to examine into the cases forwarded by the District Collector and Magistrates. Further, they could also inspect cases referred by

other Police officials in the district. According to the Regulation IX and Section XXXII of 1816, Criminal Judges were empowered to levy the following punishments: extreme verdict involved either six months of imprisonment or fine upto Rs. 200; cases of theft resulted in either 30 floggings or a fine of Rs 200. Instances of higher value were required to be referred to the next Circuit Courts.¹⁵⁹ Every District Criminal Judge was provided with an Assistant. Cases left to his discretion could be handed over to his Assistant by the Criminal Judge.¹⁶⁰ The District Criminal Judge was empowered to dispose all punishable offences falling within the purview of Mohammadan Law.

In addition, according to the Regulation of 1816, the village chief was appointed as Village Munsif. They were not only supplied with the authority to examine cases worth value of Rs. 10, but also could arbitrate into cases of Rs. 100 value. Further, they could assemble the village council and settle all civil cases within the jurisdiction of their concerned village. Their verdict was considered final. Karnams assisted the Village Munsifs by conducting these proceedings and documenting them.¹⁶¹

The District Munsifs were designated at the Taluk levels, and were initially authorized to dispose cases upto Rs. 200 value. Later in the year 1821, the value amount was raised upto Rs 500, and upto Rs 1000 in 1833. Within the bounds of their taluk the District Munsifs could pronounce final verdicts upto the value of Rs.20. the District Munsifs' judgement could be challenged in the District Courts. Furthermore, they could mediate or arbitrate between both the complainant parties. The verdicts pronounced by them were considered absolute in such cases. Like village Panchayats, the District Munsifs could assemble the District Panchayat councils. The District Panchayats could adjudicate in cases of any value provided it was consented by both the parties, and the judgement arrived at here could not be challenged in any other Court. However, if the verdict was ridden with corruption, prejudice and favouritism, its validity could be interrogated in the Divisional Courts.¹⁶²

Since the beginning of British governance in Dakshina Kannada, Bekal taluk at its southern part was within the jurisdiction of North Malabar District Court for its civil and criminal cases. On the contrary, it belonged to Dakshina Kannada with regard to revenue matters. This duality had resulted in a lot of administrative conflicts. Disposal of cases was also hampered by linguistic issues. While Hindi and Kannada were used in the Mangalore Court, Malayalam was the language of proceeding in North Malabar Court.

As Bekal was within the purview of Mangalore district for revenue-related matters, it necessitated the maintenance of translators, as none of the officials of Mangalore were well versed in Malayalam. This difficulty was brought to the notice of Commissioners of Judicial division Thomas Munro and George Stratton in 1816 by the Collector of Dakshina Kannada H.Harris. He had also suggested the unification of Bekal with Dakshina Kannada district as a resolution of this linguistic issue.¹⁶³ Accordingly, as per the Regulation IX and Section V of 1819 Bekal was merged with the district of Dakshina Kannada.¹⁶⁴

Major modifications were introduced in Criminal laws according to the Regulation II of 1822. Criminal Judge and Magistrates were authorized to demand a mortgage amount against the culprit. Such a pledge amount could be elicited by the Judge if he was suspicious of the accused as guilty despite lack of sufficient evidence. Furthermore, Criminal Courts were extended the right to investigate into cases like burglary, trading in stolen goods, robbery, etc.

As per the Regulations of I and II of 1827, the Madras Government decided to set up Auxiliary Courts in all districts where the District Courts were burdened by greater number of cases. Head of these Courts were called by the name of 'Assistant Judge' in relation to civil cases, and as 'Joint Criminal Judges' in relation to the criminal cases. They were required to function as full-fledged Criminal judges within their jurisdiction. Following the Regulation VII of 1827, local criminal and civil judges were appointed as equivalent authorities to the District Criminal Courts. Powers corresponding with that of the Magistrate were assigned on these local judges. However, they were barred from investigating both Europeans and Americans.¹⁶⁵ An Auxilliary Court was set up in Honnavar in relation to Canara and Soonda provincial matters. Thomas Boileau was appointed as Assistant Civil Judge pertaining to civil cases, and as Joint Judge concerning criminal cases. He was appointed as per the Regulation I and II of May, 1827.¹⁶⁶ Honnavar, Kundapura, Ankola, Soopa, Soonda and Bilagi regions were brought under this Auxilliary Court's jurisdiction. It enjoyed all the authority and privileges reserved for the District Court. Cases upto a value of Rs.5000 could be investigated by these Courts. Further, the judgements of District Munsif and Sudr Amin could be challenged on this judicial platform.¹⁶⁷

The Governor General of India dictated in 1835 that the District Munsifs should not receive any other emoluments for their services apart from the regular salary.¹⁶⁸ In 1843, all the Divisional and Circuit Courts were abolished, and were replaced with 20 surplus District Courts. The Judge of every district court was called as Civil and Sessions Judge. That apart, twenty Subordinate Courts were set up in every district as substitute for previous District Civil and Criminal Courts. All the functions performed previously by the Criminal Courts, Joint Criminal Courts, etc were transferred to the Subordinate Courts. A Mohammadan Law Officer was appointed to every Sessions Court to assist in criminal cases.¹⁶⁹ Nine centres out of the 20 total Subordinate Criminal Courts established were under the control of Subordinate European Judges. Principal Sadr Amin was the head of remaining 11 centres.¹⁷⁰ All the new Courts were vested with increased authorities. The power of Divisional Courts was reallocated to Sadr Amin and District Courts. Sadr Amins were called by the designation of Principal Sadr Amin. The new District Courts could inquire into all the appeals made against the verdict of District Munsif, Principal Sadr Amin and Subordinate Judges.¹⁷¹

All the aforementioned changes were also applied in Tulunadu including Dakshina Kannada district. Under the leadership of civil and criminal judges a new District Court was operationalized in Mangalore in 1843. Further, Subordinate civil and criminal courts were also established in Mangalore.¹⁷² Subordinate civil and criminal courts were also set up in Honnavar under the direction of Subordinate European Judge. The functional jurisdiction of Civil and Criminal Judge of Honnavar had extended to Kundapura, Ankola and Bilagi regions of the Dakshina Kannada Collectorate.¹⁷³

The Decree of 1843 was annulled with a new Regulation in 1853. In 1854, the Districts Munsifs were empowered to investigate minor cases. By marking Kundapura as a subdivision of North Kanara, a separate Court was established in Honnavar in 1860. It functioned till the end of 1866, and later was transferred to Karwar region.¹⁷⁴ A lower Court in 1864 decreed that the second section of Madras legislation has not authorized the Revenue officials to confiscate tenants' produce in case of revenue residues. This verdict attracted the attention of higher courts. The higher court passed a judgement that although confiscated goods were produced by the tenant, they originally belonged to the land of land owner. This judgement shifted the responsibility of revenue payment on the tenant's shoulders.¹⁷⁵ According to the 3rd Statute of Rent Recovery Act of 1864, any tenant could lodge complaint with the District Collector if surplus revenue was collected

from him. In such cases, he could demand a repayment upto double of the tax amount amassed from him. Further according to Section 3, landlords were required to provide the title deed of the land to tenants within three months of their demand application. If the landlord denied title deed, litigation could be filed against him by the tenant. As per this Act, the land owner also didnot possess the right to evacuate the tenant from his land. However, if the tenant failed to remit the rent amount as per written agreement, the landlord could impound the due rent and all movable property of the tenant.¹⁷⁶ The cases brought before the Courts of Dakshina Kannada should be examined at a backdrop of such demands and conflicts.

The foundations of British judicial system in Dakshina Kannada could thus be traced in the first half of nineteenth century. The Munro Justice System implemented in entire Madras Presidency including Dakshina Kannada was distinct from Cornwallis' method. Munro's major proposition was to transfer the Magisterial and Police authorities from the District Judge and Magistrate to the District Collector. Although Madras High Court and Madras Board of Revenue opposed this recommendation, the Court of Directors endorsed Munro's reform recommendation. Thereby, Munro became a forerunner of the new judicial system.¹⁷⁷ The British justice practices thus introduced in Dakshina Kannada resulted in the emergence of a very systematic judicial bureaucracy. In this bureaucratic structure, every official's power, duties and privileges were defined in hierarchically descending order. The judicial division was employed as a very significant tool and organ of the colonial regime. The pre-British practice of imparting justice through mediation or arbitration gradually lost its ground in the region. Mediators, village chieftains and zamindars lost their significance, and appeared in novel robes during the British governance. Through its new structural laws and regulations, the new Court system that had stretched from Grama Panchayat to the Madras High Court penetrated into the political, economic and social configuration of Tulunadu.

Civil Judiciary System

To procure possession over a property was deemed equivalent to obtaining ownership over *nature* in agrarian societies in yesteryears. The exercises undertaken to procure such rights paved way for many land disputes. Since the beginning of colonial governance in South Canara, landlords of the region instituted many law suits against the Government's land regulations in Madras Supreme Court and in other local Courts. In his report on the

land disputes in Canara, Sir Thomas Munro opined that most of the land disputes here were centred on land ownership, and that if the neighbouring Bara Mahal brought up one law suit in six months, around 16 to 20 suites were filed in Canara in the same period. He further noted that although a piece of land didnt fetch any revenue, was not suitable for tenement, or foreboded only loss, people engaged in filing law suits well aware of the above detriments.¹⁷⁸ The Civil Courts of Dakshina Kannada district were Mangalore’s District Court, the Subordinate Judge’s Court and six District Munsif Courts. While the District Court held jurisdiction over the entire district, the Subordinate Judge and District Munsifs’ scope field of function was as displayed below.¹⁷⁹ The following table shows the names of various courts and name of Revenue Taluks comprised within the jurisdiction of the each district.

Table 5.4

S.N.	Name of the Courts	Names of revenue Taluks comprised within the jurisdiction of each district
1	Sub-Court Mangalore	Ordinary jurisdiction : Whole District. Small cause Jurisdiction : The whole of the Mangalore Munsifi, 21 <i>maganes</i> in the Karkala Munsifi and two <i>maganes</i> in the Kasaragod munsifi.
2	Mangalore Munsifi	Five Maganes of the revenue taluk of Kasaragod and the revenue taluk of Mangalore, except <div> a) The eastern portion consisting of 16 <i>maganes</i>. b) The northern portion lying to the north of Sashittal river. c) The village of Kallamundkur in Murnad <i>magane</i>. </div>
3	Kasaragod Munsifi	The Revenue taluk of Kasaragod except <div> a) the 5 <i>maganes</i> included in the Mangalore munsifi and 4 others included in the Puttur Munsifi b) 15 villages of the Vittal <i>magane</i> and c) The Ishwaramangal division of the Nettanige <i>magane</i>. </div>
4	Udupi Munsifi	Nearly all the Western portion of the revenue taluk of the Udupi taluk

5	Kundapur Munsifi	The whole of the revenue taluk of Coondapur and a portion of the Udupi taluk.
6	Karkala Munsifi	The northern portion of the Mangalore taluk lying to the north of the Shashittal river and the village of Kallamundkur in marnad magane; most of the eastern portion of the Mangalore taluk comprising 12 out of 16 <i>maganes</i> excluded from the Mangalore Munsifi; in portion of the Udupi taluk; and the Mujur <i>magane</i> in the Uppinangadi Taluk
7	Puttur Munsifi	The whole of the Uppinangadi Taluk except the Mujur <i>magane</i> included in the Karkala Munsifi : 4 Maganes of the Mangalore taluk : and a portion of the Kasaragod taluk.

According to the Village Courts Act of 1888, Village Munsif was authorized to investigate into cases upto the value of Rs.20, modifying the previous value of Rs.10., by this amendment, many suits at the village were resolved at the village level itself with the intervention of *patels*. In innumerable instances as the *patels* hailed from higher class or caste, it paved way for corruption and favouritism. As per the Regulation VI of 1831 and Rent Recovery Act of 1865, the Collector and his divisional officials were bestowed with civil authorities.

Following list indicates the number of law suits filed in every 5 years:¹⁸⁰

Table 5.5

Year	Ordinary and Summary suits		Small Causes		Village Courts	
	Number	Value in Rupees	Number	Value in Rupees	Number	Value
1888	2,251	7,73,359	2613	1,12,742	816	Not known
1889	2,321	8,36,969	2590	1,12,490	671	
1890	2,367	8,98,846	2563	1,05,030	847	
1891	2,345	8,30,362	2553	1,07,686	787	
1892	2,338	11,00,987	2794	1,25,976	591	
Average	2,324	8,88,105	2623	1,12,785	742	

In H A Stuart's analysis, the number of cases filed in Dakshina Kannada was much lower when compared within the entire Madras Presidency. While the ratio was one case per every 151 people in Madras Presidency, it was one per 186 people in Dakshina Kannada district. Further, most of the cases were disposed off by the District Munsif. As regards ordinary jurisdiction the average annual institutions were, for the District court 8, for Sub-Judge's court 45, for the Revenue courts 26, for village courts 742 and for District Munsif courts 2,245. Small cause work was done entirely by the Sub-Judge and the District Munsifs, the institutions being 345 and 2,277 per annum respectively.¹⁸¹

The annexed statement in table 5.6 gives the details of the value of these suits. The bulk of them are money or movables. The value of the subject matter in the great majority of the suits is less than Rs.100, and there are extremely few in which it exceeds Rs. 500.

Statement showing the number and value of suits instituted in the several Courts of South Kanara in the years 1888-1892¹⁸².

Table 5.6

Class of Courts	Year	Ordinary and Summary Suits										Small offences								
		Not exceeding Rupees									Exceeding Rs. 100000	Not estimable in money	Total		Not exceeding Rupees				Total	
		50	100	500	1000	1500	5000	10000	10000	No			Value (Rs)	50	100	500	No	Value Rs.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19		
District Judge's Court	1888	..	..	..	..	..	..	..	..	..	3	3	..	..	..	..	..	..
	1889	..	..	..	1	..	..	..	1	..	4	6	11444	..	..	..	..	..
	1890	..	..	1	1	..	..	..	..	..	6	8	1157	..	..	..	..	..
	1891	..	..	4	..	1	2	1	..	..	4	12	27621	..	..	..	..	..
	1892	..	..	..	..	..	..	..	..	..	13	13	..	..	..	..	..	..
	Average	1	6	8	6044	
Subordinate Judicial Court	1888	..	..	..	..	..	20	14	5	..	1	40	22821	..	111	191	302	46073
	1889	..	..	..	..	..	29	8	8	..	..	45	295084	..	166	117	343	47928
	1890	..	..	..	..	..	23	14	6	..	..	44	327568	..	162	164	326	44780
	1891	..	..	..	..	..	37	7	2	..	..	46	268034	..	148	175	323	44986
	1892	..	..	..	..	..	37	9	5	1	..	52	559588	..	196	238	434	62066
	Average	..	..	..	..	..	29	11	5	..	..	45	334479	..	157	189	346	49166

During the last 5 years (1888-1892) there were on an average 433 regular appeals and 72 miscellaneous appeals. The average annual disposals were 409 regular appeals and 74 of others. At the end of 1887AD there were 174 appeals pending and 206 at end of the following year; but at the close of 1892 the number was no less than 249. The 1892AD the average duration of an uncontested appeal was 208 days and of a contested appeal 253 days; in 1888AD the figures were 109 and 161 days respectively. The average annual number of appeals to the High Court of Madras is 10 for first and 74 for second appeals. There were 76 second appeals in 1892AD.¹⁸³ The marginal statement shows that these courts more than pay their way, the average annual surplus being nearly a quarter of a lakhs of rupees. There are, however certain, items on the expenditure side, such as pensions, which are not included in the charges. Rather more than half the annual income is derived from institution fees, process fees amount to between Rs. 36,000 and Rs. 38,000 and miscellanies court fee give about Rs. 10,000. The charges are practically all for salaries.¹⁸⁴

Table 5.7

Year	Receipts in Rs.	Charges in Rs.	Surplus in Rs.
1888	1,26,963	1,06,803	20,165
1889	1,33,402	1,00,747	32,655
1890	1,33,095	1,09,048	24,047
1891	1,30,504	1,14,289	16,215
1892	1,37,321	1,12,798	24,523
Average	1,32,258	1,08,737	23,521

Between 1894 and 1898AD there were around 461 regular and 83 other petitions. Annually, on an average, 391 regular and 61 other petitions were settled in the Courts. In the year 1897, 164 petitions remained without adjudication. 194 days were required in 1895 to pass judgements on suits not appealed at the higher Courts. Cases filed at the higher courts necessitated 251 days, and more than 106 suites were brought before the High Court every year.¹⁸⁵ 49,322 and 3,692 minor cases were resolved by the District Munsif Court and Mangalore Subordinate Court respectively in the decade between 1916

and 1926AD. Suites worth value of Rs 52 in Munsif Court and worth Rs.206 in Subordinate Court were adjudicated in this period.¹⁸⁶

The appeals filed in Civil Courts for investigation between 1886 and 1890 are as follows:¹⁸⁷

Sl.No	Types of Courts	No. of settled cases	Value of suit	Decreed suits	Appealed to higher Courts	Unsettled suits
1	Village Court	5374	14100	..	..	..
2	Village Bench Court	470	19.00	..	..	..
3	Village Panchayat Court	1709	25	..	..	..
4	Revenue Court	08	87	8	8	6
5	District Munsif Court	4655	322	3410	483	443
6	Subordinate Judges Court	79	7449	50	16	14
7	District Judges Court	5	5518	..	..	39

Many disputes pertaining to the transfer of land title deeds were resolved in 1890AD. About 868 petitions were received in the Registrar's Office regarding the transfer of title deeds. Together with the 118 suites filed previously, a total of 986 cases were recorded, out of which 905 petitions were sorted in 1890AD. The Revenue officials had directly received 1698 petitions rising to the total of 2106 petitions including the previous 408 files, out of which 1827 petitions were decided in the same year. Thus, in the year 1890AD a sum of 2732 petitions regarding the title deeds were settled out of the total 3092 written requests.¹⁸⁸ The Government's decision in 1920AD to allot wasteland (*kumki*) to Scheduled and other Backward classes was resisted by the division officers under the leadership of Madras Legislature Committee's member, P.Shivarao. A detailed discussion was undertaken in the Madras Legislative assembly regarding this opposition, and as a result, the right to enjoy the *kumki* land was transferred to the wargdar. More than that one writ petition was submitted in the Madras High Court regarding a *mulageni* tenancy holding in 1920AD. The then Chief Secretary L Gram had ordered Revenue Secretary T B Lyod to conduct an investigation into the petition. This enquiry revealed that the reason behind perpetuation of *mulageni* tenancy system was the transfer of land

by the land owners to his relatives or caste affiliates under tenancy practice. To deal this issue the Landlord Association in Puttur appealed to initiate Village Courts in 1909AD, as no judicial charges were levied in the Village Courts unlike the then existing Munsif Courts. Further, as the village Munsifs resided in the respective villages, they possessed an objective understanding of the local disputes and conflicts. To file a petition in the District Court implied enormous spending of both money (towards Court and other charges) and time on the part of the applicant. Furthermore, appointing the existing *Patels* as Village Munsifs only increased the probability of partisan discrimination, and thereby people had already lost their confidence in the *Patels*. Driven by all the above reasons, the Landlord Association robustly insisted on the appointment of a Grama munsif to the Madras government.

The British judicial system had spread extensively in Dakshina Kannada district in the early half of nineteenth century. Judiciary became a major instrument of colonial control and administration. Mediators, zamindars and village chiefs who hitherto had played a key role in justice practices lost their significance amidst the emerging scenario. The British justice system was an expensive and delayed service for the local population. They didnot easily consent with court charges, Stamp charges and other penalties levied. Further, Munro System had also not created space for the localites to assume key positions in the judicial structure. A major portion of the suites were connected with land disputes, litigations of land ownership, pending tenancy payments, road issues, claims over water, and so on. The District Justice department was divided into District and Taluk levels Justice bodies. There were two units even at the Taluk level. *Patels* imparted justice as Magistrates at the village level. Eventually, suites upto the value of Rs. 500 were adjudicated by the village *patels* in their village pulpit itself. As the *patels* were not authorised to levy punishment or penalty, all the cases were resolved through reconciliatory mediations. Disputes related to road, water, or property share between two or more cultivators of the village were under the jurisdiction of village *patels*. Under this village justice system temples, village platforms, tree pulpits or panchayat podiums performed the role of institutional Court bodies. Nevertheless, illiteracy, poverty, deprivation, loyalist mind, etc of the village peasants prevented them from climbing the steps of justice platforms against the hamlet landlords. The pre-colonial judiciary *practice* appeared in the form of a *system* here.

Criminal Justice

In India the Criminal Jurisprudence came into existence from the time of Manu. Different laws came into existence in the reigns of different rulers. The Indian Penal Code was drafted by the first Indian Law Commission under the presidentship of Macaulay and was submitted to the Governor-General of India in Council in 1837AD. Then after several discussions The Indian Penal Code Bill was passed by Legislative Council and it received the assent of the Governor-General on 6th October, 1860AD.

The highest criminal court in Dakshina Kannada was the Sessions Court, which gathered once in a month to undertake enquiry into major cases, into the appeals of Magistrate Courts, and it supervised the functioning of all other Subordinate Courts. However, these Courts were constantly superintended by the District Magistrate Court under the control of Collector. Officers of the Revenue division were always Magistrates of first cadre, and were authorized to investigate into criminal cases along with the control over revenue matters. All of those officials were Subdivisional Magistrates of the Criminal Procedure Court. The Magistrates of second or third level cadre examined criminal cases at the lower rungs.¹⁸⁹ On an average around 3,961 cases were filed every five years in Criminal Courts. Among these 3,376 cases were brought before the Subordinate Stipendiary Magistrate Courts, 384 before the Magistrate Chair, 152 before the first division Magistrates and 21 before the District Magistrates, and 28 before the Sessions Judge for further adjudication. Details of the convicted every five years among the suites filed and undertaken for investigation until 1892AD are as follows:¹⁹⁰

Sl. No.	Class of Court	Percentage of the convicted
1	Session Court	44.20
2	District Magistrate Court	21.05
3	Assistant Magistrate Court	29.45
4	DeputyMagistrate Court	32.55
5	Subordinate Magistrate Court	33.01
6	Benches	41.86
7	Special Magistrate Court	34.12

The cases brought before the Special Magistrate and Chairs were generally minor in nature, and the numbers of people pronounced convicted here were larger than common courts. If the Subordinate Magistrates considered large scale cases in the common Courts, a total of 33.05% of cases were evidentially established; or to script it in different terms, one out of three cases were pronounced punishable. However, in Madras Presidency excluding Madras the total percentage was at 39.72%.¹⁹¹

The number of appeals registered at first division Magistrate and Sessions Court every year was 121 and 17 respectively. 11.46% of petitions were filed at the Appeal Courts against the verdict of Subordinate Magistrates. The same statistics increased to the range of 56.08% in the case of first division Magistrates. The reason behind such an increase in the number was the severity of cases adjudicated by division Magistrates. The percentage of cases carried forth for appeal in the entire Madras Presidency was 49.98%, and the proportion of cases adjudicated by the first Division Magistrates was 10.10%. To sum up, the trend of appealing in the higher courts against the verdicts pronounced in lower courts was quite prevalent in Dakshina Kannada district.¹⁹²

While 21.80% of cases appealed against the first division Magistrate were rendered successful, 16.59% of cases succeeded partially. When the entire Presidency was taken into consideration, this ratio was 19.91% and 20.70% respectively. To decipher its logicity, 12.17% of convicts escaped from the verdict pronounced by first division Magistrates, 9.26% of impeached altered the nature of sentence in one or the other way. That is also to record, 78.57% of the cases remained without any modification in the judgement decreed. In the entire Madras Presidency, out of 9.14% verdicts appealed against, a percentage of 5.85 were victorious in getting the first division Magistrate's ruling modified. Out of the 42.64% cases that filed an appeal against the judgement of Submagistrate, 9.51% of cases were triumphant in altering the previous pronouncement¹⁹³.

Cases disposed in Criminal Courts at Mangalore in the month of November 1862AD¹⁹⁴

Table 5.9

No. of Case and by whom committed	Names of parties	Crime charged	Sentences	Remarks
On the Calendar of the principals Sudder Amin's Court No. 74 of 1862, 2 nd class subordinate magistrate of Mangalore Taluk	Mr. John Mack Vs Thimmappa	1. Theft in a building. 2. Using a false property mark	Three months simple imprisonment under section 380 & 482 of the Indian Penal Code 22 November, 1862	..
No. 75 of 1862 2 nd class subordinate magistrate of Karkal	Vittal Prabhu Vs Ayapa Banga	Dishonest Misappropriation of moveable property punishable under section 403	Acquitted 21 st November 1862	..
No. 76 of 1862 2 nd Class subordinate Magistrate of Karkal	Vittal Bhatta Vs Gopal Naik	Dishonest Misappropriation of moveable property punishable under section 403	Acquitted 21 st 20 th November 1862	..

Cases disposed in District sessions court at Mangalore in the month of July 1869¹⁹⁵

Table 5.10

No. of case and by whom committed	Name of the accused	Offence	Sentence
No. 60 on the Calendar for 1869. Committed by the 2nd class Subordinate Magistrate of Mangalore	Karpai (Female)	House breaking	18 months' imprisonment suitable to her sex

No. 64 on the Calendar for 1869. Committed by the 2nd class Subordinate Magistrate of Mangalore	Mamu	Theft	2 years rigorous imprisonment
No. 66 on the Calendar for 1869. Committed by the Head Assistant Magistrate, Mangalore	Agasa Kunha	Grievous hurt	5 years rigorous imprisonment

Cases disposed of the criminal court of Mangalore in August 1879¹⁹⁶

Table 5.11

No. of Case and by whom committed	Names of parties	Crime charged	Sentences	Remarks
On the Calendar of the principals Sudder Amin's Court No. 55 of 1879, 2nd class subordinate magistrate of Mangalore Taluk	Jakri Vs 1. Hammade 2. Jakri 3. Ijjab alias Bava	Voluntarily causing hurt by dangerous weapon	The 1st accused to pay a 50 Rupees, in default to suffer one month's rigorous imprisonment in irons. The 2nd& 3rd accused-To pay a fine of 10 Rupees catch, in default to suffer 2 weeks rigorous imprisonment without irons, under section 234 of the India Penal code. 21st August 1879	..

No. 56 of 1879 2nd class magistrate of Bantwal	Shabudin Vs Manjappa	Theft	Three months of rigorous imprisonment without irons, under section 379 of the Indian Penal Code 21st August 1879	..
No. 57 of 1879 2nd Class Magistrate of Mangalore	Kasim Saib Vs Shek Jamal	Theft in a building	One year's rigorous imprisonment without irons, under section 380 of the Indian Penal Code 25th August 1879	..

Criminal Cases disposed of the principal Sudder Amin of Mangalore in April, 1879¹⁹⁷

Table 5.12

No. of Case and by whom committed	Names of parties	Crime charged	Sentences	Remarks
On the Calendar of the principals Sudder Amin's Court No. 26 of 1879, 2 nd class subordinate magistrate of Mangalore Taluk	Regina Vs Shaik Imam	Knowingly delivering a counterfeit coin as genuine	To pay a fine of Rs. 30, in default to suffer 3 months rigorous imprisonment under section 241 of the India Penal code. 14 th April 1879	..
No. 27 of 1879 2 nd class sub magistrate of Udupi Tq	Regina Vs Chinnaya Shetti (a Patel)	Furnishing false information	To pay a fine of 25 Rupees, in default one month's simple imprisonment, under section 177 of the India Penal code. 14 th April 1879	..

No. 28 of 1879 2 nd Class sub Magistrate of Kundapur Taluk	Regine Vs Mudura	Selling spirituous liquor at a place different from that specified in the license	To pay a fine of 10 Rupees, in default to suffer one month simple imprisonment under clause of, section VI Regulation I of 1820. 13 th April 1879.	..
No. 29 of 1879 2 nd Class sub Magistrate Udupi Taluk	Billa Kuppa Vs 1. Billa Buba 2. Nukra 3. Basava	1 st accused voluntarily causing hurt by a dangerous weapon. 2 nd & 3 rd , ditto. Abetment of the above offers	1 st accused, six months rigorous imprisonment and a fine of rupees 50, in default additional 6 months rigorous imprisonment under section 324 of IPC. 2 nd and 3 rd ditto, Acquitted and released. 2 nd July 1879.	..
No. 32 of 1879 Deputy Magistrate of Southcanara	Bava Shetti Vs Durga Shetti	Dishonestly receiving stolen property, punishable under section 411 of the IPC	Acquitted and Release 3 rd August 1879	..

The nature and kind of punishments levied in different Courts of South Canara are provided a glimpse in the Tables 5.9 to 5.12 above. Theft, robbery, burglary, threat, assault, falsity, cheating, illegally trading in alcoholic substances, counterfeiting coins and currency, purchasing stolen goods, damaging the public property, etc were some of

the common crimes noted during the period. People from all sections of the society were involved in different kinds of felonious acts. However, the number of Gouda Saraswats and Brahmins is comparatively low. The names of Vittal Prabhu and Vittal Bhatta mentioned in the table no 5.9 were acquitted. There is no such other reference in the given tables that the culprit is acquitted. This shows the same trend of domination of upper classes in the judiciary field even during the British period.

Village Administration

Authority of the Village Munsifs (Civil Court)

Intending the participation of country's citizens in its administration, the colonial government had assigned the village administrative business to the upkeep of its citizens, restricting itself to the task of supervision. A local fund was raised from land cess, railway cess, stream cross cess, gate toll, market money, bungalow rents, tree yields, revenue from medicine sale, etc, and it was maintained by the board members of the village itself. Likewise, municipalities were established in major cities, and the administration of those cities was handed over to their respective municipalities.¹⁹⁸

Every village consisted of a *patel*, and in relation to the village revenue transactions he was called as *patel*, in relation to the civil matters as village munsif and to criminal issues as village magistrate. As a village munsif, the *patel* could execute the summons, notices, decrees issued and the properties to be seized. Further, the police responsibilities assigned to *patel* included ensuring the absence of any criminal incidents in his village. If robbers or hooligans entered his village, he was expected to inform the police immediately. If any individual possessed the stolen goods, *patel* should instantly intimate the police. He was also empowered to cordon off the area where stolen goods were found. *Patels* were required to communicate any instance of dangerous death, suicides, accidents like alarming fires, etc to the police instantaneously.¹⁹⁹

As village magistrates the *patels* could deal in cases of small money/change fines, scuffle, chiding, theft of goods worth one rupee, theft of forest produce worth one rupee, etc. the village magistrate was not empowered to investigate into instances involving theft of goods worth more than one rupee. As the village magistrate the *patels* could pronounce the punishment of banishing the culprit from village platform upto 12 hours.

However, he was not authorized to levy penalty on the impeached, or to withhold them under the tree shade, or to parade them in shackles through the people gathered.²⁰⁰

As stewardship was in the control of *patels*, and as the clients were in their vicinity, the clients were not required to pay a separate fee for law suit or towards petition notice. However, if more than 200 suites were submitted under a particular *patel*, with the permission of the Collector, he could collect one *ane* towards issuing notices, in order to dispose of the cases within appropriate period. If the client was outside his village boundary, the *patel* could receive two *aanes* as processing fee. Yet, no individual was required to pay court fee to the village magistrate while submitting a petition.²⁰¹ According to the Madras Village Court Act of 1889 and Madras Village Court Act of 1920, the following factors were very crucial in the transactions of village court:

Village Court implied either a village Munsif's Court as per the 7th Chapter of Madras Court Act, or a Panchayat Court established following the 9th Chapter. Village Munsif referred to the arbitrator of the Village Munsif Court appointed as per the above Act, and it also incorporated the President of Panchayat Court according to the 7th and 16th Chapters.²⁰²

The District Collector could either suspend or dismiss a Village Munsif or a member of Panchayat Court from his service citing inefficiency, disinterest in the profession, misconduct or any other justified reason. If a Village Munsif failed to discharge his duties in the judicial transactions of the village court, the District Collector could either suspend or dismiss him from service with the command of District Judge. If a Village Munsif was suspended from his service by the District Collector without the directive of the District Judge, he could appeal in the High Court of Revenue Board within the period of three months.

The total number of Panchayat Court members was decided by the District Collector. It was, yet, not to be less than 5 and more than 12 in total. They were appointed on the basis of election, and a Panchayat Court member's tenure was three years. Court members selected a President from among themselves following the procedure stipulated. A minimum of three members were required to be present during sessions to form a quorum in Panchayat Courts. Decision of the majority of members present was deemed final and abiding. In case of a tie of votes between both the parties, the President possessed the right to cast the decisive vote.²⁰³

The Village Munsif was required to maintain a Register regarding the suites filed in the Village Court. Court proceedings were also to be documented in that register. The village employee was directed to distribute all summons, notices or orders issued by the Village Court, and he also had to carry out the task of confiscation as decreed by the Village Munsif. Cases generally examined and resolved at the level of Village Courts were pertaining to litigations of payable amount, disputes regarding property ownership, suites regarding unpaid debts, etc. nevertheless, no case could exceed the limit of Rs.200 value. The Village Court was also barred from inspecting into certain cases like, if the calculations of partnership are not determined by both the parties, disposal of the deceased's property with or without the existence of will, land tenure related petitions, cases related to public servants, juvenile or insanity cases, or in suites where the Village Munsif himself was a plaintiff. Further, any member of the Panchayat Court was excluded from the Court proceedings if he was either a client in the suit or related to it in any other distant way.²⁰⁴

The Village Munsif was also blocked from resolving cases where the plaintiff demanded any other Court's adjudicative method to be replicated in the Village Court as well. In the presence of both the parties, if they consented in writing, the Village Court could arbitrate into cases upto the value of Rs.200. in the initial period of judicial proceedings, any suit was required to be filed in the residential or occupational village of the defendant. In every case that was brought before the Village Court, a comprehensive litigation right of the petitioner pertaining to the nature of suites filed had to be revealed. However, in order to file a case in the Village Court, any portion of it could be discarded, and no litigation was entertained regarding such casted out aspects.²⁰⁵

While adjudicating a case, if there was a necessity to use discretion in resolving fixed asset related issues, the Village Court was permitted to do so. Nonetheless, such an asset related resolution should not have been followed by contracted transactions between either the clients or their representatives. Any suit or appeal was required to be submitted within three years of adjudication. The Village Court was not authorized to resolve appeals extended beyond the stipulated period of three years. If a case that could be examined at the Village Court was filed in the District Munsif Court, in the absence of ample evidence, it could be reverted to the Village Court again. While enquiring into a case that falls within the jurisdiction of Village Courts, if the District Munsif opined that it could have been filed at the Village Court itself, the victorious party was not entitled to

any proceeding expenses. On the other hand, if the defendant arose triumphant in the suit, he could be reimbursed with lawyer and other charges. In all the above instances, the District Munsif could instruct the discontinuance of a Village Court's proceedings until the petitions were settled.²⁰⁶

On certain occasions, if the clients appealed to the Munsif Court and paid all the determined Court charges, the case could have been imported to the Munsif Court for further adjudication. That apart, such cases could also be transferred to any Village Court within its local jurisdictional boundaries. Kaifiyats or Kaifettus (records drafted with regard to the acquiring of money or property through suites in the Civil Court) were prescribed to be written in local languages, and should be signed by the petitioner. In case of the petitioner's absence, any other individual authorized by him should sign the submissions. Kaifiyats were required to contain details including the petitioner and defendant's names and their residential addresses. Elaborate account of the nature of suits filed and the date on which suit was initiated had to be recorded in the kaifiyats. Further, it recorded the amount demanded by petitioner as compensation, the value or amount of litigation filed, etc. No judge was permitted to appear before a Village Court on behalf of a client. However, the petitioner could authorize any official, clerk, shareholder, relative or friend to represent him in the proceedings of Village Court.²⁰⁷

Along with the kaifiyats, a copy of the law suit filed was made available to the defendants. Both petitioner and defendant could contest the suit directly or through their representatives. If a defendant absconded from receiving summons of the Village Court, a senior family member was handed over the kaifiyat and summons, or it was pasted publicly in the residence of the accused. If there was a necessity to issue summons to an individual from the neighbouring village, it was effectuated through the District Munsif Court. If the Court was unable to issue hearing notice to the defendant at least two days prior to the date of hearing, the investigation was required to be postponed to a different day. Further, the law suits could be dismissed in instances like: the petitioner and defendant didnot appear as per the notice issued, or the defendant declined suit in the absence of petitioner, or summons couldnot be issued to the accused due to petitioner's negligence, or when the defendant omitted his presence in the Court. On the specified date, if the accused didnot lodge his presence in the Court either in person or through his representative, and it was established that the Summons was issued with effect, the Court could investigate in ex parte. If the effectuation of summons was not evidenced, the

village munsif could decree a new summons. All summons issued not by the village official steward, but through other means, had to be furnished from the petitioner's side. When the petitioner absented from the Court, and the defendant conceded to the accusations fully or partially, the Court could pronounce verdict on that opposite party. But, in case he conceded with only one aspect of the lawsuit, the investigative proceeding was deferred for another day.²⁰⁸

If a lawsuit was dismissed due to the absence of both the parties, and summons was not issued to the defendant due to petitioner's apathy, a new litigation could be brought forth. In the absence of the suppliant, if the suit was denied by the defendant, and thus the case was dismissed, the dismissal decree could be reverted within 30 days, and initiate fresh investigation if sufficient evidence was found. Decrees executed due to ex parte investigation could be proclaimed within 30 days. In such cases, no decree could be cancelled without issuing notice to the opposite party. If pacts of agreement were not recorded in the decrees of litigation which were resolved through reconciliation, they were not permitted to be executed. If a case was withdrawn by the petitioner himself, there was no scope to initiate a new lawsuit regarding the same. Any legal investigation was initiated only after registering the statement of the defendant. If the witness were absent during enquiry, summons could be brought out against them. If an individual deliberately failed to appear as per the summons issued by the Village Court, and thus deemed offender by the local Magistrate, he could be punished according to the section 174 of Indian Penal Code.²⁰⁹

All witnesses within of the range of 5 miles of village jurisdiction were required to issue summons only in writing by the Village Munsif Court. If the witnesses were outside the domain of five miles, the clients could prepare a list of legal questionnaire and distribute among the witnesses. Such questionnaire could be submitted to and the witnesses enquired in the Village Courts falling within the vicinity of the witnesses' residence. His statements could later be transferred to the concerned Village Court. The provision to investigate women who wouldnot appear publicly, and esteemed men who were exempted from summons, in their respective habitations was available.²¹⁰

The Village Court was expected to record the statements of petitioner or his representative and the defendant, and pronounce a judgement abiding justice, water and their conscience. Suit number, names of the clients, suite statement, names of the

witnesses, details of the witnesses who gave statements on evidences, the records presented, the verdict pronounced and the reasons for decreeing such a verdict had to be mentioned in the judgement sheet. The amount determined, estimate of the movable property, and the penalty to be paid if the property was not handed over, the sum to be paid towards Court expenses, or about which party to reimburse the expenses or the source through which to remit the penalty, etc were also to be mandatorily recorded in the judgement sheet.

A copy of the judgement should be given to every petitioner or his representative present in the Court if they had requested for it. In cases while the petitioner was not present in person, and had not asked for the judgement copy, it was obligatory to send via post on the petitioner's expenses. The arbitrator present to pronounce judgement should mention the date of decree, and place his signature. The debt dues carrying not more than 12% of interest could be granted during the monetary suits, starting from the date of kaifiyat to reclaiming the due amount. Decree for payment in instalments could also be passed by the Court. The total amount payable to the decree holder or his representative according to the decree issued by a Village Court should be paid before the executing authority, the Village Munsif. The decreed client should also be recorded and intimated in writing, which was signed by the decree holder or his representative before the Village Munsif. The Village Munsif's signature was essential. The implementing charges of Village Courts were fixed at Rs. 0.80 if the decree amount was less than Rs.50, and Rs.1.00 if the decree amount exceeded Rs.50, if it was deemed that the judgement or decree of Village Court was guided by favouritism, bribery and unjustifiable grounds, it could be challenged at the District Munsif's office within 60 days of the adjudication.²¹¹

Village Panchayat Court and Authorities of Village Magistrate (Criminal)

Every Panchayat Court had to include a minimum of 5 members, upto a maximum of 12. Along with the power to resolve minor civil cases, the Panchayat Courts were authorized to investigate petty cases within their local jurisdiction and to punish partakers in the offense. Issues like conflict, deliberate cruelty, theft, damaging the public property, etc were under the Panchayat Court's legal command. Penalty amount not exceeding Rs.15 could be levied on such inflicting individuals. If it was impossible to exact the penalty amount imposed by the Panchayat Court, such cases could be transferred to the Subdivision Magistrate, who in turn could enforce detention not exceeding a week. The

Panchayat Court was not required to document the witness statements, or prepare a systematic charge sheet. Nevertheless, aspects like serial number of the case, date of crime and report, names of witnesses, litigations filed, cases established, and the value of goods stolen, penalties levied, etc were documented by the Panchayat Court.²¹²

There was no provision to appeal to higher bodies against the punishment or decree issued by the Panchayat Court. However, if it was deemed that the adjudicating Court had received bribe or indulged in nepotism, or displayed foul attitude, or have inflicted injustice, such decrees could be annulled by the Subdivisional Magistrate.

To become a member of the Panchayat Court, it was mandatory for any individual to be a resident of the concerned village. The male should have attained 25 years of age, equipped to read and write in the village language. He should be a farmer paying not less than Rs.10 to the government, or paying income tax, or paying not less than Rs.10 as house or occupational tax, or should receive a governmental pension not less than Rs.10.

If it was necessary to issue summons to defendants residing outside the local jurisdiction of village courts according to the 27th section of Village Act, it should be served through the District Munsif. It was stipulated to pay 8 *anas* to serve summons to the defendant, and in addition, 4 *anas* were to be paid to issue summons to every extra resident of that village. Regarding the summons executed by the Village official or others to every witness or defendant within the jurisdiction of local court, they were required to pay one *ana* and, two *anas* if the witness or defendant resided outside the boundaries of its jurisdiction.²¹³

Some Panchayat Courts were authorized to examine cases regarding registration as per the 18th section of Madras Act of 1899 of birth and death registration. There were a few regulations in the above mentioned Act. Upon the birth of a child in the village, either the father or in his absence due to death, illness, incapability, the midwife who assisted in delivery, or a senior member of the household in which the baby is born, or the mother, was obligated to inform the Village Birth and Death Registrar verbally or in writing within a fortnight. In case of death, either the member present during death or a close relative who nursed during the final moments or any other relative, was supposed to inform the Registrar within five days of death either verbally or in writing. Panchayat Court also had control over vaccination programmes.²¹⁴

The 15th India Act of 1877 and its amendment in 1908 regarding the determination of duration consisted of some regulations. Even while the petitioner didn't raise any objection, the Court could dismiss suits with constraints of time. If the period of a suit expired on Sunday or other holidays of the Court, the lawsuit appeal or litigations could be produced again with the reopen of the Court. If an appeal or litigation was not raised within a stipulated period, the Court could still admit the suit provided a proper justification was produced and thus convince the Court. Minors and paranoiac people could register their suits within the stipulated time after coming to age or regaining their mental stability. This time period was, however, fixed at a maximum of three years.²¹⁵

Some of the crimes which were amenable for reconciliation under the Indian Penal Code were: deliberate affliction (IPC Section 323), violence resulting out of instigation (IPC 334), intentionally preventing someone (IPC 341), intentional detention (IPC 342), assault with sandals (IPC 355), forced labour (IPC 374), trespassing a private property (IPC 447), forceful entry into the house (IPC 448), illicit relationship with a married woman (IPC 500), besmirching writing and painting (IPC 501), etc.²¹⁶

Some of the major crimes which were receptive for release on bail according to the Indian Penal Code were: conducting illegal gatherings (IPC 143), assault with dangerous weapons (IPC 144), mob violence (IPC 147), lending shelter to instigators of mob violence (IPC 157), receiving bribery as a public servant (161), false witness (IPC 193), tampered scales (IPC 264), spreading life-threatening diseases (IPC 270), adulteration of food products (IPC 272), and so on.²¹⁷

Judiciary, Revenue System and Police System

Prior to 1860 there was no separate department for Police administration in entire India. It was a part and parcel of the common administrative system. The same is applicable in the case of Dakshina Kannada as well. The police department functioned under the control of District Collector then.²¹⁸ In other words, the police authority was in the hands of District Collector along with revenue and magisterial powers. Eventually after 1816, a specific police system came into existence in South Canara based on the Munro System. According to the Regulation XXXV of 1802, police system was extended in the entire Madras Presidency. As per the Regulation, one police station was set up in each 20 miles, and a police official called 'Darogha,' along with one police constable called

‘Tanedar,’ was appointed in all stations. They were assisted by a police force of around 20 to 50 people, and were brought under the authority of the District Collector.

Daroga System

In terms of police administration, South Canara was segmented into three divisions. The workforce of every division comprised of a Daroga and Police Peons. Every division was further separated into units as per requisite under the headship of Tanedars. The Tane or Session Officer of every Tanedar and other peons were authorized to enquire into all criminal acts, and the accused was required to be presented before the Magistrate Court within 24 hours of confinement.²¹⁹ If a Tanedar arrested the culprit in first attempt without the help of Daroga and produced him before the Magistrate, the Tanedar was rewarded with Rs.10 per every convict. Daroga or any other police officer was not empowered to decree any penalty or punishment on the accused. The Police Officers were also endowed with power to advice the Magistrate. In instances of theft, if the allegation was proven right, the Police Daroga and other officers were provided with 10% commission on the amount of goods stolen. If accusations of bribery, nepotism, exploitation, etc were established against Daroga or other police officers, he was commanded to resign from his designation and confront judicial investigation.²²⁰ The Police Daroga was obligated to visit Stations under his division at least once in a month. Daroga and other Police officers were authorized to enquire Europeans travelling without passport in South Canara. Only Government servants could carry fire arms or weapons. The Darogas were expected to acquaint themselves with those Regulations passed by the Governor-in-Council which had connections with their duties.²²¹

In 1808 all the police powers reserved in the hands of District Collector were transferred to the District Judge. There was only one Daroga in the police department under District Court of Canara in 1812. A Wilson was the District Judge and Magistrate of Canara in that period. Wilson had opined that in a vast and insurrection-prone region of Canara required 3 of more Darogas in order to maintain peace and security. Further, Darogas should also concentrate on the functional scope of his subordinate officials, as it was highly crucial to maintain law and order at the local levels.²²² In order to curtail anti-social activities in Canara and to establish peace, many Regulations were passed in the year 1812. Prominent among them were:²²³

- The Police responsibilities of Dakshina Kannada were handed over to Daroga officers. He was assigned with personnel comprising Duffadar and Police Peons. It was Daroga's duty to administer officials under him. And, Daroga's jurisdiction of power was determined by the Magistrate.
- During his appointment, the Daroga officer was expected to wedge Rs.5000 as security deposit, and receive his oath of office before the Magistrate.
- The Daroga officials were required to pay visit to their division every month and record the grievances of residing citizens. They also had to document all the statistics of crimes perpetrated in the entire month. Further, they scrutinized the functional efficiency of police officials under them.
- If bailable offences like murder and extortion occurred in a place, Darogas were personally required to inspect in the scene of crime, prepare the first information report (FIR), and present it before the Magistrate. It was Daroga's responsibility to protect the incriminated from any violence.
- Daroga was prohibited from receiving any kind of bribery, payment, loan or gifts from the people. He was expected to be present in person and maintain law and order during annual festivities or any other event of mass participation in their respective districts.
- Duffadars were mandated to remit Rs.1000 as security deposit during their appointment. They had to travel in their divisions every week and submit reports to Darogha.
- Police Peons were required to pay Rs.100 as security deposit during their appointment.
- In order to maintain law and order across the Ghat region, an exigent operation force was created, comprising of Daroga, fixed number of Duffadars, and police peons. It was chiefly established to prevent road robbery.

The details of police department officials present in Dakshina Kannada in 1812 and their salary is provided below²²⁴

Table 5.13

No	Description	Amount of Pay		
		Star Pagoda	Fanams	Coins
1	Daroga	8	..	..
2	Head Surchesma	4	12	68
2	Seer Daffadars @ St. Pagodar each	6	..	..
1	Mutsudee	4	..	..
108	Duffadars at St. Pagodar 1-32-11 each	185	6	34
378	Peons at 1-22-68 each	486	..	1
Total		693	19	23

However, the Court of Directors expressed strong resentment against the Daroga system in 1814. As per their suggestion, Police department should not be under the control of District Judge and Magistrate, but vested in the hands of District Collector. The Court of Directors further opined that all the revenue officials under the District Collector at local levels like Tahasildar, Patels, etc should be endowed with Police power.²²⁵ Similar recommendations were proposed by Sir Thomas Munro in his report on the judicial system. He had registered a strong opposition to transferring the supervisory responsibilities of Police department to District Judge and Magistrate. Munro even resisted the District Judge being furnished with magisterial authorities. In his opinion, the District Judge should only exercise control over judicial matters. Managing magisterial and police system should be vested in the care of District Collector.²²⁶ Thus, Munro had recommended alteration in the Daroga System in 1814-15.

The recommendations of Munro Police System

The authority to command police force should be withdrawn from the District Judge, and they should only be restricted to judicial expanse. Magisterial power should rest with the District Collector. Munro further opined that, such a division in governance could also

enable the Village Patel to resolve minor cases in his concerned locality. This would also unburden the District Magistrate from scrutinizing and resolving minor cases, leading to the speedy disposal of suits brought forth. In Munro's thoughts, "Collector could administer the Police System much better than the Judge. The necessity to maintain dual authoritative orders of Patel and Karanika could thus be avoided as well. Because, they were subjected to the Collector's supervision in matters of revenue and that of Judges in Police matters."²²⁷ He thought, combining both these centres of power in a single individual would yield tremendous success in India.²²⁸ Munro had perceived that in an otherwise lawless country like India, the British should not implement the English principles in toto, but administer as per the specific local prerequisites here."²²⁹

According to Munro, there was a chasm between the varied responsibilities of District Magistrate, Collector and District Judge. He therefore proposed the transfer of district magisterial authorities from the District Judge to the District Collector. As per the Hindu customary practice, the police and revenue duties were interconnected. Village assistants, *Patels* and *Karanikas* engaged in carrying out police and revenue responsibilities. Even *Tahsildars* actively participated in both these departments.²³⁰ As the police under Collectors, *Amildars*, *Tahsildars* and *Patels* were well acquainted with the village specificities, maintained a good rapport with the village residents, it assisted in identifying the culprits effortlessly. In addition, Munro opined that an efficient supervision of the Collector was highly essential in executing police obligations.²³¹ In this light, the Police System implemented according to the Madras Judicial Regulation of 1802 was contrary to the recommendations proposed by Munro.

The above system didnot pay any heed to the connectivity and moral values of the local population, and it merely banked on the rent daroga services.²³² In the proclamations of 1813 Judicial System Reformatations, Munro narrated thus : *the police system recommended by me is very efficient in nature, would protect the interests of local citizens, and also contains a linkage with the ancient traditions of this country.*²³³ Thereby, Munro proposed a continuation of the already existing police system in Tulunadu, albeit, with certain modifications. His propositions were intricately connected with the land revenue governance. As the first Collector of South Canara, Munro had implemented the Ryotwari system, chiefly because hereditary land ownership was prevalent in this region.²³⁴

In 1816, the Madras Government renounced earlier police system, and replaced it with the village level police structure as suggested by Munro. As a consequence, the district magisterial and police responsibilities were transferred from the office of District Judge to District Collector. Officials like Collector, Sub-collector, Tahsildar (Head of the District Police), Patel (heads of village) and other revenue officers were bestowed with magisterial and police authorities.²³⁵ Thereby, centralization of revenue, police and magisterial powers was achieved. Daroga System was abolished completely. The constabulary tasks performed by Daroga, Tanedar previously were transferred to the village chieftains, Tahsildars, Zamindars and Amins. The police system propounded by Munro was implemented in all parts of Madras Presidency in 1816. The village chiefs were assisted in their tasks by village accountant, village watchers and police constables.

A revenue official called Manegar executed the police responsibilities in a part of Dakshina Kannada district called Amindivi Group of Island. The same Manegar's revenue was raised at 10 *pagodas* a month, and was vested with Amin's powers. The 10 *pagodas* were paid towards his constabulary tasks. He was also assisted by 4 peons and a Register or clerk.²³⁶

Although the Munro-guided police system implemented in 1816 continued in the region until mid 19th century, it was beset with many flaws. It was not only ridden with corruption, violence and exploitation, but was also responsible for the distress of local population. Therefore, the Madras government set up a commission in September 1854 to reorganize the entire police system. E F Elliot, H. Stokes and John Bruce were appointed as its members. The commission submitted its report on 16th April, 1855. The commissioners stated that "torture was more prevalent in revenue cases than in police cases. However, it was widely used in the police cases as well. They stated that "fortune was prevalent in the district where European supervision was less frequent, strict and effective... Also its prevalence was due to the fact that the revenues and police functions were combined in the same set of officials."²³⁷

F N Maltby, the Canara Collector and Magistrate in 1854, also records about the way fact-finding investigations resorted to torture under Munro's Police system. Accused were subjected to brutal violence in order to elicit confessions from them. No concessions were applied in the case of women as well. Some of the torture methods deployed were: imprisoning without any food; leaving the accused amidst red ants, etc.

Maltby also stated that threats, intimidation, tales promises of pardon and sometimes hunger and worse cruelties were doubtless resorted to in the detection of crimes.²³⁸

The promise of offering pardon was an integral aspect of criminal investigative procedures in Canara. According to Section XV and Regulation VIII of 1802, the culprit could be offered clemency if he provided details of the case in all honesty and assisted in arresting the actual guilty. This procedure was followed in the initial years of 19th century.²³⁹ Torture was another way of identifying the criminals, and it was used quite frequently until 1856. Furthermore, between 1806 and 1855, the government had undertaken many actions, albeit half-heartedly, to prevent torturing methods. As many as 10 circular orders were issued by the Faujdari Adalat on the subject of the practice of extracting confessions with the object of abolishing that barbaric method.²⁴⁰

Examining the police system in 1855, the Sub-Collector of Canara W.Fisher opined that no torture given to prisoners according to the records of Dakshina Kannada. None of the higher police officers indulged in torturing the accused while ascertaining facts.²⁴¹ Nonetheless, Fisher opined that, the lower-rung police officers might have tortured the accused in order to retrieve the stolen goods. Airing his thoughts on police torture, German Missionary H. Moegling said in 1854 that small-scale tortures were a routine affair in the police department. Living in the vicinity of police stations in Kodagu, Moegling recorded that, manhandling the culprits, and treating them in the most obnoxious manner was quite prevalent among the police. In his opinion, the entire police system was corrupt, and was devoid of any moral conscience. The salary they were paid was also very meagerly in amount.²⁴²

It was thus decided that such a corrupt, dishonest and cruel police system should be reorganised or replaced completely. The Commissioners E F Elliot, H Stokes and John Bruce Norton of the Commission set up to revamp the system submitted their report in 1855, recommending many modifications. Separation of revenue and police responsibilities was their first suggestion, and accordingly decided to bring the police system under police Superintendent. The Superintendent was required to be a European official. It was further recommended that there should be no torture during investigation, and that the accused be produced before the Magistrate immediately. Madras Government accepted the Commission's recommendations, and separated the Police from revenue department.²⁴³ While carrying out their responsibilities as police officers

coupled with revenue collectors, they fetched ignominy to the department. Apart, corruption and inefficiency prevailing in the police system resulted in reorganizing the system in 1859.²⁴⁴ Therefore, in 1850 the British government determined to place the police department under an independent European bureau, thus programming the division of police and revenue departments. It was decided that a police department with good salary, coordination, discipline and dedication would be positioned under the control of a European officer. It was also concluded to appoint a Superintendent as the highest authority of the police department.²⁴⁵

As per the XXIV Regulation of 1859, the police department of South Kanara consisted of one Commissioner, 10 Inspectors and 532 Police Constables. The Central office of police Commissioner was in Mangalore city. One police officer each was designated to carry out responsibilities in every 7.3 sq. miles, and one police official for every 1,985 population. While the entire Presidency was considered, the number of people under a police official was 2,112 and the average area of his functionality was 8.4 sq. miles. The following list supplies detail about the police cases during 1888 to 1892²⁴⁶

Table 5.14

Year	Percentage of cases detected		Percentage of persons convicted among those accused		Percentage property recovered	
	South Kanara	Presidency	South Kanara	Presidency	South Kanara	Presidency
1888	40.3	31.3	13.8	27.3	34.2	18.9
1889	35.2	32.6	15.0	28.5	29.6	21.8
1890	42.1	33.2	19.3	29.6	50.0	25.5
1891	30.1	32.9	16.3	20.3	34.8	21.3
1892	34.2	35.5	19.2	30.2	25.7	22.7

Summary of Grave Crimes against the Indian Penal Code in the District of South Canara for the month of August 1865AD..²⁴⁷

Crimes	Cases			Persons						Properties						No. of persons appeared according to summons	Remarks
	Reported during the month	Detected	Under trial	Arrested during the month	Under Trial in the last return	Total	Convicted	Released	Remaining under trial	Lost			Recovered				
Murder	3	3	4	4	6	10	10		
Dacoity	3	3	1	4	2	6	..	..	6	..	..	..	..	..	..
Highway Robbery	3	3	1	4	2	6	..	..	..	..	..	..	..	..	..
Burglary and house breaking	7	1	4	5	8	11	5	5	1	75	15	6	51	14	6		
Robbery	1	1	4	5	8	11	..	..	11	..	..	..	..	..	..

Summary of Grave Crimes against the Indian Penal Code in the District of South Canara for the month of March 1865AD.²⁴⁸

Crimes	Cases			Persons						Properties						No. of persons appeared according to summons	Remarks
	Reported during the month	Detected	Under trial	Arrested during the month	Under Trial in the last return	Total	Convicted	Released	Remaining under trial	Lost			Recovered				
Murder	5	..	6	8	15	23	..	11	12	3 Cases with 13 persons of Last Return transferred to the next head	
Dacoity	..	..	..	:	..	..	:	..	..	:	..	..	..	:	..
Highway Robbery	..	..	..	:	..	..	:	..	..	:	..	..	..	:	..
Burglary and house breaking	9	1	4	7	..	7	1	..	6	921	..	..	35	13	2
Robbery	2	..	1	1	1	1	..	1	1	14	..	..	4	..	..

When compared with Madras Presidency, the Police Department in South Canara performed more efficiently. As depicted in the table above, the number of cases resolved in South Canara between 1883 and 1892 is much higher than the Presidency, and the ratio of people convicted among the accused is also lesser. Further, the achievement of South Canara Police Department in terms of property recovery is also quite substantial.

Kunjal Court or Lynch Law Court

Lynch Court was a system generally prevailed in those countries, the people whereof have not attained any degree of civilization. Samuel Miley, attracts our attention regarding the existence of such type of courts in Canara in 1874²⁴⁹. He refers the working of the President of the Virginia Farmer Council for knowledge of Lynch Court, where he is authoritative and pronounces such decision on the questions raised, as his fancy would dictate; and the manner in which it is enforced is as unscrupulous as might be expected – it is by means of threats directed against a reutter or recusant. The threatenings are generally that an incendiary would be instructed to do justice to him by destroying the house wherein he dwells. Samuel Miley writes that Canara has not exempt from it. He says those conversant with native customs, well know that in the villages, specially in the houses of the *Patels* or any wealthy person, any discussions that may occur there, are disposed of, and even legal decisions overturned. In short, the common course of law is set at defiance, by a Council composed of self-constitutional elders, and that such discussions are held in an open space, where all have access, and do not hesitate in giving their opinions, on which a decision is based.

Samuel Miley, provides information of a case of this nature and also says that a condign punishment was inflicted on the criminal concerned by the Magistrate H.S. Thomas on 12th February, 1874. An aged man, living in Kunjal, a village about 70 miles north of Mangalore, constituted himself “A Court” and in this capacity issued an ‘Anonymous Notice’ to a certain villager, demanding his compliance with the orders therein contained, and intimating to him the consequence that would follow in case the orders would remain uncompiled with, viz; the destruction of his house by fire. This anonymous Notice seems to have been affixed to the house of the villager by the two, who were his opposite parties in the judicial contest. The Notice ran to the following effect, *You have by spurious documents obtained an unjust decree against some parties; you must therefore come to me within eight days and do justice; in failure whereof your house will*

be burnt. The heading of this Notice, what is most apt to say, was “From the Kunjal Court” according to Samuel Miley²⁵⁰. The villager on whom the Notice was served had recourse to the following stratagem, by means of which the desired effect was obtained.

Having succeeded in ascertaining the author of the Notice, he in answer to this summons, sent word to the man, that he would submit himself to the decision of the “Kunjal Court”, and that aggrieved parties might be required to appear before him on the day that may be fixed for the due investigation of the questions at issue. “The Kunjal Court President”,intoxicated with this acknowledgement of his bombastic and paramount title,confessed himself the “Kunjal Court” and sent for the parties. The villager,with a view to collect evidence in support of a charge secretly contrived to prefer against this pseudo Judge, desired him that the parties might be requested to assemble in the Verandah of a merchant’s house. The parties, in accordance with his desires,met on the day fixed, in the house of this merchant, where thispseudo Judge in the character of “Kunjal Court” heard the parties, and said that he had orders from the District Court constituting him “A Superior Court” over District *Munsifs* and Tahasildars, and their decisions²⁵¹.

All this assumed convert to the doctrine, this pseudo judge was propounding, pretended to believe; and decision pronounced was acquiesced by him. But all this was for a very short time; the assumed convert having now gained his object, putoff his deceitful garb, and handed this proud judge to the police. Thus the ‘Lord Paramount of Kunjal’, was, stripped of his borrowed plumes, and punished as his presumption deserved²⁵²

British Judiciary and Social Change

In principle, the Judicial System implemented by British regime in South Canara engendered a significant rupture in the social organization prevalent here. As the mediation of British legal modernity had lubricated the traditional caste hierarchy in other parts of India, South Canara also experienced a slackening of rigid caste system. Although initially people in the lower rungs of social hierarchy couldnot reap benefits from the modern legal apparatus, eventually they came to realize its significance. Guided by the selfish concerns of colonialism, the British also intended to protect the labour class under the pretext of justice imparting. Furthermore, a few of the conventions of upper class of the society was also perturbed by the interference of British judiciary. In this section, the social reconfiguration spurred by the implementation of British legal

apparatus in South Canara is analyzed with a special focus on two prominent practices in the region: *Aliya Santana* (nephew inheritance) and *gulamagiri* (slavery).

***Aliyasantana* Tradition and British Interference**

Aliyasantana is a Kannada term for matriliney followed by certain Tulu-speaking castes in the erstwhile South Canara district or Tulunadu of the Madras Presidency. As the nomenclature itself implied, *Aliyasantana* referred to the inheritance of property acknowledged chiefly through the succession of female lineage.²⁵³ It is more of the nature of custom peculiar to certain classes of people in the district, rather than general law governing the whole of its people. In a law suit of Casimir Rebello Vs Lingu, the Court considered *Aliyasantana* as a part of the private ownership legalities of the class to which the individual belonged. The Court upheld an opinion that the tradition of *Aliya santana* could not be deemed as *lexiloci* of Canara district.²⁵⁴ The British judges considered it merely as an ingredient of the conventional laws and regulations of a few caste communities, and not as pertaining to the entire Hindu Act. As Hindu Acts were not germane to either people belonging to Muhammadan laws or Parsis, so was it not applicable to the Aliya Santana law.²⁵⁵ The three major characteristics derived by the modern judicial system from *Aliyasantana* practice were: recognizing ancestral lineage only through female line of descent; not recognizing the institution of marriage in family organization; and, prohibiting the compulsory apportionment of family property.²⁵⁶ Although *marumakkattaya* practice in Malabar resembled the *Aliyasantana* system in terms of matrilineality, the Nair women could practice polyandry as per the customary laws of marriage, and could also have 'visiting husbands' of Namboodiri caste under the practice of 'Sambandam.' G. Arunima has already conducted an extensive analysis of matrilineality in Malabar and the eventual transformations in its fabric.²⁵⁷ However, such a practice was not prevalent in South Canara. The conception of 'Sambandam' received a severe criticism from within the community, by the educated Nair men, as it was soon equated with prostitution. In South Canara, the Aliya Santana system did not give rise to such an internal conflict, as the union of marriage was still reckoned with sanctity. It was honoured at communitarian levels. Nevertheless, when it was synonymized, either by habit or by conjecture with the Malabar practice, the public opinion or mediation of modern legal apparatus it stimulated also, at the same time, ruffled the *Aliyasantana* law of South Canara.²⁵⁸

As Aliya Santana practice was intricately connected with a very powerful community, Bunts in Dakshina Kannada district, the intervention of modern judicial system perturbed their familial and inheritance regulations at the concluding decades of nineteenth century. As is a prevalent knowledge, the genesis of *Aliyasantana* is knitted with the legend of king Bhutala Pandya. There is no exactitude about the origin of this singular tradition. Foundation for *Aliyasantana* law is also lacking in *Shruti* and *Smritis*. It is a law with currency in private sphere of rules and regulations. Therefore, the evolution of all modern private legislatures is coupled with the emergence of British judicial system.²⁵⁹ *Aliyasantana* law is not an exception from this system as well. As per the traditional understanding, a King called Bhutala Pandya is identified as the proponent of *Aliyasantana* law. Although, the British Court had recognized it initially, it came to be perceived as a fictive document in later years.²⁶⁰ A booklet initially claiming to be the commandment of Bhutala Pandya emerged in 1843. Titled as *Bhutala Pandyana Kattu Kattalegalu* (Rules and Regulations of Bhutala Pandya), this book became a basis for the adjudication pronounced by Mangalore Civil Judge Findle Anderson in law suit no. 82 in 1843.²⁶¹ The booklet was published from the German Mission Press in Mangalore in 1859. Further in 1864, it was translated into English by Shingal Charior, and was published in the *Madras Journal of Literature and Science*. Another translated version appeared in 1873 by N Ramaswamy Naidu and M T Gopalakrishna Pillai.²⁶² To sum up the entire story, *Rules* had made its first appearance as a rejoinder submitted by Mundappa Bangera to Malabar Marriage Commission.²⁶³

As described in the second chapter of this thesis, according to the *Aliyasantana* regulation, a despotic ruler called Bhutala Pandya annulled the law of offspring inheritance in 77 AD in favour of the Nephew Inheritance law. Ganapati Rao Aigal who wrote *Bhutala Pandyana Charitre* in 1923 also reiterates the similar plotline.²⁶⁴ However, Bhutala Pandya's narrative could be challenged, as the major hurdle in acknowledging its veracity is a series of logical reasoning. It appears an aberrant that an influential individual would release a dictum one fine morning, commanding his citizens to henceforth abide by the *Aliyasantana* law.²⁶⁵ In J Sturrock and Francis Buchanan's view, it was arduous to consider the genesis of *Aliyasantana* law as was merely described in a pamphlet. Such a description only expressed mysterious and fictitious details, which were away from the actual truth.²⁶⁶ Further, although the British Courts

employed *Aliyasantana* Law initially, they eventually raised many query and reservations about its veracity.

Apart from that, the courts, which initially were inclined to accept it as the basis of proof of custom, in due course, doubted the authenticity of this pamphlet.²⁶⁷ A reference is available about judge Holloway adjudicating on the basis of Bhutala Pandya's *Aliya santana* Law in the case Munda Shetty Vs Timmaju (MHCR 380) filed in the Madras High Court in 1863.²⁶⁸ In the same case Holloway held that *Aliyasantana* system of inheritance differs only from that of Malabar in more consistently carrying out the doctrine that all rights to property are derived from the females. The same Madras High Court had acknowledged the *Aliya Santana* Law of Bhutala Pandya in Thimmappa Heggade Vs Mahalinga Heggade case (4 MCHR 28) in 1868. There was a dispute of title deed possession between the above mentioned two individuals in this case. Further, even in the case of Subbu Heggadti Vs Tongu (No 4 MHCR 196) of 1869, the Madras High Court had founded its legal verdict on the Aliya Santana law of Bhutala Pandya.²⁶⁹

However, since 1883 onwards the Madras High Court harboured suspicion about the validity of Bhutala Pandya's *Aliyasantana* law. For example, in a law suit of Koraga Vs Queen (ILR6, Mad, 374), the High Court shied away from considering the Aliya Santana law. A C Burnell termed the pamphlet of *Bhutala Pandya's laws and regulations* as a "book published without conducting adequate scrutiny indispensable to be an authorized version." He further criticized it as an immature, imbecilic and unverified text,²⁷⁰ and according to him, it was a detrimental deception altogether. It could potentially create the fear of rendering a vast tract of property into an insignificant entity. "Preparation of contrived documents possessed sufficient knowledge about the Bunt community with which it had to transact. A curse was attached that all those families who follow *Aliya santana* would be rendered without any progeny and thus many poor superstitious families intended to do away with the tradition. Despite that scenario, petitioning for *Aliyasantana* law's intervention was in practice, and thus it has been put into legal abeyance."²⁷¹

A C Burnell's opinion held a lot of consideration in Courts in those days. Following his opinion, the Madras High Court declared *Bhutala Pandya's laws and regulations* pamphlet as a bogus document in Devu Vs Deyi law suit. Considering Burnell's thought,

another judge of the Madras High Court, Louis Moore also recognized *Bhutala Pandya's laws and regulations* as a forfeited record in 1840.²⁷²

The task of categorically rejecting Bhutala Pandya's *Aliyasantana* law was taken up in 1913 in an investigation into Santaraja Shetty Vs Secretary of State government law suit. Through this suit, the State government endeavored to reclaim the land usurped with the means of forfeited records. This attempt of the government was challenged by the deceased's son. Adopted son of the deceased intended to establish rights over his adoptive father's material property. However, the customary practice under Bhutala Pandya's regulations didnot approve of adoption of a male child. The Government, therefore, highlighted this aspect; but the major question was whether to regard *Aliya santana* law in adjudication as it didnot possess any accurate basis. Inquiring into this legal suit, High Court judges Arnold White and Tyabji expressed thus: "As it is not possible to declare an authentic basis for Bhutala Pandya's custom, it is also not appropriate to consider it as a ground for judicial proceedings. Recently, A C Burnell's thoughts on this also have persuaded the Courts to question its veracity."²⁷³ Even in cases like Koraga Vs Queen (1883), Antamma Vs Kaveri and Devu Vs Deyi, the adjudicative body didnot consider Bhutala Pandya's laws and regulations as authorized record. Accordingly, it was opined that declaring the law's authenticity or its absence was redundant as Bhutala Pandya's law didnot carry any verifiable evidential basis.²⁷⁴

Apart from the above, no cases were entertained in the Madras High Court investigating the veracity of *Aliyasantana* law. The position adopted by Madras High Court regarding Bhutala Pandya's *Aliyasantana* law in Santaraja Shetty's case was similarly upheld by the Mysore Court as well.²⁷⁵ Ultimately, as a result of all the debates pursued, the foundation of Aliya Santana law was regarded as customary practice maintained by the common people.

Despite its antiquity and uniqueness, the *Aliyasantana* law failed to sustain its relevance and contemporaneity in its struggle against the continually transforming era of modernity. The castes associated with *Aliyasantana* law like Bunts and other also were drawn towards the altered times,²⁷⁶ and the first move towards such a transformation arrived from Malabar. The Malabar Marriage Act of 1896 spurred the movement of 'Sambandam' practice of Marumakkattaya tradition from 'prostitution' towards 'conjugal' ties. It paved way for the registration of traditional 'Sambandam'

relationships. Apart, this act also facilitated wife and children to claim alimony, share in the family property from husband or father, and to call for divorce. Such a marked shift also raised many voices against Aliya Santana law in South Canara. In reality, there was no correlation between the 'Sambandam' of Marumakkattaya custom and *Aliyasantana* law of South Canara. Nevertheless, as traditional customs were comprehended in more than one way, many legal hurdles arose in time.²⁷⁷

As early as 1868 itself, there was a petition signed and submitted by members of *Aliya santana* family to the District Collector, requesting it to be forwarded to the Government. Through that petition, people appealed to abolish Aliya Santana law and to implement the general patrilineal system of inheritance.²⁷⁸ As a substantial portion of local population was against such an appeal, it could not be forwarded to the government.²⁷⁹ It was a lucid reflection of the conflict between social convention and an Act that didn't accord any legal status on either husband or wife.²⁸⁰ It did not fit into a period in which the inheritance procedures were undergoing drastic alteration. The British also oscillated between the two reflective poles of neutrality and intervention. In such a scenario, there were appeals from the *Aliyasantana* followers, especially Bunt caste, for British intervention.²⁸¹ The period also witnessed many attempts to create public opinion and awareness through legal restrictions, public debates and print medium. It was argued that an ancient custom could be honoured through certain modification. Surendra Rao records that in a 'Letter to the Editor' section of *Swadeshabhimani* newspaper of September 1910, a young member of a matrilineal family argued for modifications in *Aliyasantana* law.²⁸² It expressed dissatisfaction about the family elders or chiefs who refused to abide by the novel legislatures. According to Rao, this letter reflected a growing dissention between family chiefs or *yajamana* and its younger members in relation to inheritance, especially self-acquired property.²⁸³

One significant aspect to note here is that a struggle for transformation in the *Aliya santana* tradition was started from within its most ardent followers like Bunt community. It was chiefly because, the younger members of such families benefitted from modern education and acquired personal property and income that they did not intend to merge with the family possession, depriving their children of it.²⁸⁴ In all the assemblages conducted by Bunts to deliberate the law of *Aliyasantana*, its younger members insisted on revising the law. But the elders in support of the tradition were apprehensive about fractioning the ancestral property which would result in selling the land, and thus cease

to possess the power and influence enjoyed for generations by those village families. As a result, while the communities abiding by *Aliyasantana* Law were eager to escape away from its tenets, the British also responded in affirmative to the popular pulse.²⁸⁵

Third and fourth decades of twentieth century were filled with both anxiety and anticipation about the modifications taking place within traditional fabric. This situation continued up to 1949 until there was a situation to implement the Madras *Aliyasantana* law. There was even a proposal to incorporate enthusiasts of Aliya Santana in the Marumakkattayam Act while it was introduced in the Madras Legislative Assembly in 1932. However, the proposal was terminated amidst vehement opposition. In 1933, a separate Act was proposed for the followers of *Aliyasantana*, and public opinion was sought in this regard. All the communities abiding by this law expressed their opinion. Madras Legislative Council member A B Shetty was an active representative in this matter. Many meetings were held, and different proposals were suggested.²⁸⁶ An assembly of “Aliya Kattacharana Mahasabha” was gathered in Karkala under the leadership of Jarkala Venkappa Hegde. Lawyer Mahabala Hegde and Nitte Mahabala Adyantaya debated the Act proposed by A B Shetty in Madras judicial assembly. The Mahasabha of Karkala ratified the Act proposed.²⁸⁷ Billawas, Jains and other communities in places like Kinnigoli, Puttur, Mangalore, Mulki, Kapu and so on also followed the footsteps of Karkala Mahasabha. A meeting was held in 1939 at Bunts Hostel in Mangalore to deliberate on the same matter. *Navayuga* newspaper gave a clarion call against the *Aliyasantana* law, underlining its failure and vices, and attempted to generate a unanimous public opinion in favour of the patriarchal system.²⁸⁸ Surendra Rao makes a note about an article by M B Narasappa titled “Aliya Santana Kattu Hogale Beku” (*Aliyasantana* regulations should vanish) in the 11-4-1946 edition of *Navayuga* newspaper.²⁸⁹ Interestingly, this article likens the chief or *yajamana* of household to Hitler, who threatens its younger generation and obstructs their ways of progress.

The Madras government presented this legislature in 1948, and it was formally presented by A B Shetty, the then Minister under Madras Government. He delivered his statement in the Legislative Council thus²⁹⁰: “The overseer of *Aliyasantana* family has to engage in a continual struggle, and oscillate between his responsibilities towards his successor and their children, with that of his instinctual love on his wife and children. He prioritizes the interest of his wife-children over that of his natural sisters and her children. The situation worsens when he takes up the reigns of a large household with many branches. It

becomes all the more difficult to maintain balance between such different subdivisions. Naturally, it leads to a prejudicial inclination towards the members of his own familial branch, also resulting in the negligence of household property. Investment gets unfairly spent in the well-being of wife-children. The head of *Aliyasantana* family expends money towards the education of his children, and not of his sister's offspring. While the relatives from a distance arrive at the head familial house, maintenance of household is rendered more hard. Different branches of the same family engage in internal feuds, and more often than not, there would be instances of crime, and consequent legal quarrels. Younger folk of the family petition against the chief seeking maintenance compensations. They attempt to dethrone the chief from his headship. In many cases the family property is shared volitionally, but they are preceded by inflicting law suits and enmity. The unnaturalness of this practice is debated during much adjudication. Tiruvankur and Cochin have brought about reformed legislations in this tradition many years ago."

After the approval of *Aliyasantana* legislative Act in 1949, and the subsequent introduction of law, this customary practice has lost its significant and controversial aspects. It is laid in commensurate with the mainstream of Hindu Law codes. According to Surendra Rao, even in its peak of presence, the Aliya Santana law had not accorded its women with substantive authority. Although it had ritually honoured the power of women, the license to exercise that authority rested with the headman or *yajamana*. Instances where some women overpowered the men and displayed abilities of efficient management might have drawn the attention of society at times. Nevertheless, *Aliya santana* law lost its ground after years, and was relegated into the four corners of space of antique goods. There is no necessity to express lamentation over this loss, as time eventually suppresses all non-adoptable elements. The people following *Aliyasantana* tradition themselves scrutinized its tenets and insisted upon transformation. In contemporary times, it has remained among Bunt, Jain, Mogaveera communities as a mere ritual, as they have opted to retain some of the distinctive elements derived from the annals of history as relics. However, they didnot allow this relic to be a heavy saddle on the shoulders, affecting the pace of gaits undertaken in time²⁹¹.

Slavery and British Interference

In a complex social system like India, 'caste custom' has brought about both bouquets and bricks. It appears, as if, fractioned into thousands of sects, classes, castes, etc, the Indian society has been systematically adhering to the caste structure to retain its distinctness. By being bound to the class divisions of higher and lower, the Indian society might have taken itself to the system of slavery. 'Slavery' is also not uniformly spread in the entire Indian continent. In the coastal region of India including Tulunadu the system of slavery is intrinsically connected with the existing caste structure.

It is not uncomplicated to explain the concept of 'slavery' as prevalent in India. While domestic 'slavery' was existent in the entire country, agricultural bondage prevailed only in a few parts.²⁹² All high and middle class households held slaves as domestic servants. Many prominent royal families, landlords and zamindars maintained domestic servants as slaves to enhance their prestige and honour. An individual's status and esteem in the society was determined by the number of slaves he held.²⁹³ As the nature and condition of all domestic servants was not similar throughout the country,²⁹⁴ it is not possible to define 'slavery' in specific terms. In America and West Indies slaves were regarded as the master's exclusive property, and he was the sole manoeuvrer of their labour and strength. As a deviation, the laws of slavery varied from Presidency to Presidency, from district to district in India.

In Tulunadu or South Canara people belonging to the Shudra category; to the ostracized and untouchable community positioned in the lowest rungs of society were automatically considered as slaves. Their existence was so much so strenuous that they had to survive in crude shelters on the fringes of society, much away from the mainstream arena. They were not permitted to erect abode in the residential spaces of other upper castes. Through the imposition of certain rules and regulations on the slavish castes, their movements were decreed to be regulated in the society.²⁹⁵ There is no precise information on the slaves and associated untouchability in English records. A cause behind this could be the administrators' lack of time in comprehending the customs, practices and regulative mechanism of local population. Slavery was further depicted in as mild terms as possible by the inflicting upper castes. In addition, as the system of thralldom was a private subject, it left hardly any scope for the government to intervene.²⁹⁶

It is not possible to accurately assess the reason behind the emergence of slavery in Tulunadu. Onslaught of foreigners, agricultural labourers joining as servants under powerful zamindars to ensure their safety and security, landlords lending advance amount to the small tillers and labourers, etc, have been identified as causes for the rise of slavery structure. Emerging in such a scenario, slavery might have retained its unproclaimed existence by adapting to the local demands and necessities. The Hindu Code of law also acknowledged the structure of slavery.²⁹⁷ Francis Buchanan believed that a group of people subjected to different kinds of slavery existed in Tulunadu or the coastal region.²⁹⁸ A social group called 'holeya' or 'Dars' was subjugated under varied levels of slavery. This depressed class was engaged in cultivation activities in its master's landholding, receiving in return a very meagre remuneration. Such authorized accounts reflect the prevalence of thralldom in Tulunadu.²⁹⁹ Based on the reminiscential record of Buchanan it is possible to state that slavery thrived in the Tulu area as well. All the slaves here were the exclusive property of their masters. The then Revenue Officer of southern belt of coastal province, J G Ravenshaw accounted in his 1801 report that, 52,022 people out of the total population of 3,96,672 were slaves to their masters in Tulunadu.³⁰⁰ In 1819, an official called Thomas Harris mentioned that there were a total of 82,000 slaves in Tulunadu, out of which about 60,000 were agricultural labourers.³⁰¹ According to the estimate of District Magistrate in 1826, around 60,000 hereditary slaves lived here, and about 4500 of them voluntarily sold themselves as slaves.³⁰² 22,000 out of the rest were captured as slaves during battles, and it also included ostracised Brahmin women. However, to verify the authenticity of these statistics, no census was carried out in the early half of nineteenth century.³⁰³ As per the Census of 1851, it is estimated that there were about 1,53,333 slaves in Tulunadu. In the perspective of Revenue Officials serving in Canara region, slaves in Tulunadu had converted as an entirely cultivating class by the year of 1801.

In 1818, the Madras Revenue Board undertook a serious deliberation about whether it was possible to eradicate the social evil of slavery, and amend the condition of coolie labourers and servants in the coastal region. In the same year, the Minutes of Madras Revenue Board's meeting about the coastal slaves was submitted to the Court of Directors in London.³⁰⁴ Although many British officials displayed interest in this regard, higher authorities didn't express any concern in implementing their suggestions. However, as the British administrative heads in Britain decided to ameliorate the social

situation here, the English governance in India also made efforts in this direction. Although British officials in Tulunadu were well aware of the slavery system and resultant exploitation of slaves prevalent here, they believed that government's intervention in breaking free of masters' noose would bear upon the prevailing traditional structure. Further, they were also worried that their interventionist stance might prove as an obstacle in revenue collection, and deemed it as a judicious institution. J G Ravenshaw had opined that, as the same masters in slavery structure contributed chiefly to State treasury through revenue payment, intervening in that structure might exert adverse impact on the British governance. As it was a practice developed within the legal frame of local population, officials measured it out of their authorial jurisdiction. Ravenshaw justified his non-interference as a strategy to abstain from instigating the obedient landlords.³⁰⁵ It was therefore decided that, remaining neutral or promoting the matter of slavery – that was intricately connected to land – was a better option than assisting its prohibition. This approach was not only restricted to Tulunadu, but was adopted in all parts of the country.

The British officials all through defended an opinion that there is no relationship between questions of ethicality or humaneness of maintaining slavery and the judicial system of British. This position was reflected in the 1841 statement of the Magistrate of Udupi, H M Blair as well. He said: "The existing slavery in Kanara, having been recognized by government, it would seem absolutely that the right of the master to the services of his slave should be protected by law, and as difference of opinion seems to exist among the Mohammadan law officers as to whether a slave, having deserted his master and refusing to return to him, is liable to punishment by Criminal Courts, it is desirable that a definite rule should be established on this point, as any uncertainty on this question must seriously affect the landed interest of this province and produce a corresponding influence on the government revenue."³⁰⁶ On the contrary, English officers like Thomas Baber Richardson and Harrington maintained a compassionate opinion about slavery in Tulunadu.

It was Lord Cornwallis who raised his voice about slavery in India first. Judge of the Circuit Court, John Richard also had expressed a compassionate statement about the prevalence of slavery, and to quote his words: "Nothing perhaps is so revolting as the idea of hereditary slavery of a man's inheriting at his birth nothing but the misfortunes of his parents, without hopes of emancipation."³⁰⁷ His recommendation to the Calcutta

Supreme Court to issue a law prohibiting slavery was not accepted by the Court. The Supreme Court held an opinion that slavery system was legally approved and accepted in India. Court maintained that although it was impossible to prohibit slavery by law, on justice and humanitarian grounds, its sustenance could be curtailed.³⁰⁸ Furthermore, a strong voice in favour of the proscription of slavery existed in India.

When the subject of continuation of the East India Company was discussed in 1833, President of the Board of Control, Charles Grant and its Secretary, Thomas Babington Macaulay posed a condition that a plan should be designed to eradicate slavery system in the Charter Bill. The Court of Directors also approved this proposal, and insisted upon completely annihilating slavery and bonded labour in India. Under the leadership of Macaulay, a Commission submitted its report in 1841 in this regard. After many rounds of deliberation, the Indian government implemented an Act in 1843, and according to its 5th Section, slavery was prohibited in the entire country. It ensured a liberated existence to all slaves, and protected them from any kind of exploitation. According to the Act, the British judiciary declared that Zamindars do not possess any right to extract service from the slaves. Penal Code was executed in 1861, pronouncing the practice of slavery a criminal offence. As in other parts of India, those officially authorized laws were also applicable in Tulu Nadu. Unfortunately, the illiterate and helpless crowd of slaves was not aware of any such legal decrees. Nonetheless, when instances pertaining to slavery entered into the floors of judicial Courts, the British officers assisted them in reaping benefits from modern laws.

A potent pressure to prohibit slavery in India arrived from the Christian Missionary quarters. The merciless practices of slavery appeared as ruthless to the Missionaries preaching humanitarian principles of Christianity. Ironically, although more callous forms of slavery existed in Europe, the Missionaries did not deem it uncanny at all. The same attitude could be witnessed among the colonial masters, which could be termed as 'contradictions of Colonialism.' In addition, the British also required coolie servants to toil in their estates. They intended to release the slaves from shackles of slavery and in turn, employ them in their estates against meager wages. The situation of coolie labourers was no different than slaves. While the cruelty to which estate labourers were subjected considered, it emerged as another form of slavery itself. This facet of colonial cruelty has been discussed in detail by Elizabeth Kolsky in her book titled, *Colonial Justice in British India; White Violence and the Rule of Law*.³⁰⁹ Kolsky takes a dig at a

claim that the British ensured efficient and refined administration based on the equality of law in India. Outside war and onslaughts, she draws our attention to the other violent activities undertaken by the British. She primarily discusses the ‘non-official Europeans’ and their activities in the plantation estates in Eastern India.³¹⁰ They were called as ‘White Subalterns’ and ‘White Britons.’ Kolsky claims that the judicial system established by the British in India was neither uniformly applied nor was universal in nature. She opines that, it had created sufficient scope for the ‘White Subalterns’ to escape from all criminal acts. For example, if any Indian was murdered by a European, the law had opened up a possibility to argue that the murder was not driven by European’s violence. Colonial judiciary, says Kolsky, also had ensured a scope for the White Subaltern to argue that Indians were using ‘racial discrimination’ debate to gain sympathy at the international level. Labeling Assam as the ‘heart of darkness’ of British colonial regime, Kolsky argues that such instances of colonial violence were rampant in the tea estates of Assam.

While debating about the eradication of slavery, the British, at the same time, required an ambivalent policy to justify their colonial governance. In Kolsky’s words, *The inability of the Indian labourer to seek justice for the violence committed upon his or her body was after linked to the near-death state caused by economic deprivation*. She further writes, “In 1810 when the Calcutta Supreme Court asked an indigo cultivator named Ali, why he did not lodge a formal complaint against planter J.W. Looker, who had confined him and his son in the stocks without food or water for nine days, Ali replied that for want food, he could not make the journey to court.”³¹¹

As Kolsky observes in her work, according to the British Imperial understandings, the British colonial benevolence and honour was expressed primarily through its judicial system. Although British self-proclaimed that they delivered Indians out of individual-centered justice practice by establishing a law-abiding judicial system, thereby propelling the country from barbarism to civilization, Kolsky argues that, at implementation level, their claim remained as a mere lie. While the British maintained an illusion that feudal system was extinguished by introducing modern law, their own contribution in spurring feudalism in different forms didnot appear as a negative development. In Tulunadu also socially marginalized sections were exploited socially and economically under the manacles of caste system, the modern judicial system didnot contribute substantially in ensuring an appropriate justice to the same subjugated. As mentioned in the earlier pages

after the implementation of modern justice system, the exploitative feudal lords of previous system shed their customary garb, embraced the modern British structure, and reveled in power centers in new attires. Voiceless class of society failed to benefit from the altered system around. The statistical details supplied in this chapter indicate the above aspect. Further, illiteracy, helplessness and apprehension of modern judicial system also operated as Achilles' heel for the hitherto suppressed social groups.

Notes & References

1. Eric stokes., *The English Utilitaraians and India*, Oxford University Press, Oxford, 1989, pp . xiii
2. *Ibid.*
3. Robet Montgomery Martin., *History of the Possessions of the Honourable East India Company*, Vol. II, Whitaker and Company, London, 1837, pp . 75.
4. The dream of flying like a bird was realized in Aeroplane. The imaginary Bhasmasura got associated with atom bomb. The magical mirror became television and massager of Gods materialized in the form of Telephone. The traditional societies in the third world looked with wonder at the emerging modernity. It also opened up a possibility of a different form of government, other than hereditary monarchy.
5. Thomas Babington Macaulay., *Essays in Critical and Miscellaneous*, A. Hart, Late Carey and Hart, Philadelphia, 1853, pp. 172.
6. Mathew H. Edney., *Mapping an Empire*, New Delhi, Oxford 1999, pp . 1-2.
7. The political power in the pre-modern Europe manifested itself in the luxurious and theatrical presentation of the king's court, celebration of festivals, grand coronation and funeral of the king, pageant of the court and such exhibitions. Besides, in the 19th century, apart from this exhibitionism, documentation of such events began. Documentation of arguments and sale of assets, census, documentation of religious rituals started in this period. Records and texts came to exist. Registration of birth and death became a practice. Bernard S. Cohn calls this process "State building process through documentation". This process, which began in Britain was later used in India to consolidate the imperial state, believes cohn.
8. Mathew H. Edney., *op.cit.*, pp . 3.
9. Disputes regarding the imposition of like in cash revenue, and merciless and efficient revenue collection of colonizers caused hardship to the natives. The agencies of revenue

collection till now lost their autonomy. Consequently desperation and anger were reflected through rebellions in Kumble, Vittal and Nileshwar.

10. *Proceedings of the Revenue department, Madras Government, order of J.D. Sim, Secretary to Government, Southcanara Gazettee, January-June 1862* pp. 144. The Canara province was divided for the purpose of cotton trade. The cotton mills in Europe had sufficient raw cotton supply from America. But the American civil war endangered the smooth supply of cotton in the context, there was greater demand for the cotton grown in and around Dharwar and Bijapur. Similarly. When the need for a convenient port for cotton export arose, Sadashivgad (Present Karwar) was selected. But Sadashivgad being in Madras presidency, the authorities did not show much interest. The cotton merchants of Bombay pressurized the Bombay presidency for the port facility. As a result the Canara region was divided between Madras presidency and Bombay Presidency. The Bombay presidency included North Kanara with Sadashivgad to its province.
11. Venkatasubba Shastri.K.N., *The Munro system of British Statesmanship in India*, Mysore 1939, pp . I
12. G.R. Gleig., *Life of Sir Thomas Munro* London; Revised and condensed edition, 1961, pp . 127-128
13. *Ibid.*, pp . 141-142.
14. *Ibid.*, pp . 127-128
15. *Mangalore Magazine Vol. II, No. 2, June 1901, p.35.* “Mangalore Magazine” was a quarterly journal published by St. Aloysius College, Mangalore from 1879 onwards. Most of the articles in this Magazine were contributed by the Jesuit, Alumini, and the students of the college, all trained in Jesuit spirit.
16. Surendra Rao B., “South Canara in the 19th Century : Contradictions in the colonial discourse”, in *Perspectives on Dakshina Kannada and Kodagu*, Mangalore University, Decennial Vol. 1991, pp. 27-28.
17. Thomas R. Metcalf., *Ideologies of the Raj : The New Cambridge History of India, III, 4*, New Delhi, CUP, 1985, pp . 171.
18. *Nineteenth Report of the German Evangelical Mission in South Western India for the year 1858*, K.T.C, Mangalore, 1859, pp . 23.
19. Francis Buchanan., *A Journey from Madras through the countries of Mysore, Canara and Malabar* Vol. III, Madras, 1870, pp . 66.
20. *Ibid*, pp. 63.

21. A.J. Arbuthnot., *Major General Sir Thomas Munro, Governor of Madras : Selection from his minutes and other official writings*, Madras, 1886, pp .116
22. John Sturrock., *Madras District Manuals; South Canara*, Vol. I, Madras, 1894, pp . 4.
23. Walter Hamilton., *The East India Gazetteer*, Madras 1828, pp . 333-334.
24. Surendra Rao.B., K.M. Lokesh (Ed)., *Coorg Invented : Nineteenth Century European Writings on Kodagu*, Madikeri, 1998, pp . 33.
25. Buchanan., *op.cit.*, vol. pp . xii.
26. Nicholas B. Dirks., *Castes of Mind : Colonialism and the making of Modern India*, Permanent Black, Delhi, 2003, pp. 117.
27. Thomas Metcalf., *op. cit.*, pp . 115-117.
28. *Fifty Sixth Report of the German Evangelical Mission in South Western in India*, K.T.C Mangalore, 1896, pp. 65.
29. Abbe Dubios., *Description of the Character, Manners and customs of the people of India and of their institutions, Religious and civil*, London, 1817, pp . 14.
30. Francis Buchanan., *op. cit.*, vol. III, pp . 20.
31. *Report on the Census of the Madras Presidency*, Madras, 1871, vol. I, pp . 125-136.
32. Samuel Miley., *Canara; Past and present*, Madras, 1875 pp . 19.
33. W.W. Hunter ., *The Imperial Gazetteer of India*, Madras , 1886, pp . 379.
34. Sturrock., *op. cit.*, pp . 144-146.
35. Edgar Thurston., *Castes and Tribes in Southern India*, Vol I, Madras, 1909, pp . XIV.
36. Maclean.C.P (ed)., *Manual of the Administration of the Madras Presidency*, 1885, New Delhi, A.E.S., 1987, pp . 66.
37. Nicholas Dirks., *op. cit.*, pp . 140.
38. Buchanan., *op. cit.*, vol-III, pp . 16
39. Samuel Miley., *op. cit.*, pp . 20.
40. J. Sturrock., *op. cit.*, pp . 157.
41. *Ibid*, pp . 157-158.
42. *Ibid*, pp . 157.
43. *Thirteenth Report of the German Mission*, *op. cit.*, pp. 12 .K.T.C, Mangalore
44. Buchanan., *op. cit.*, vol. III, pp . 100-101.
45. J. Sturrock., *op. cit.*, pp . 171-172.
46. *Ibid*, pp . 172
47. *Thirteenth Report of the German Mission*, *op. cit.*, pp . 12.
48. J. Sturrock., *op. cit.*, pp . 174.
49. Buchanan., *op. cit.*, vol-III, pp . 100-103.

50. Samuel Miley., *op. cit.*, pp . 20.
51. Joseph Altor., "Indian clubs and Colonialism; Hindu masculinity and Muscular Christianity" in *Comparative studies in society and history*, vol. 46, no.3, Cambridge, July, 2004 pp. 497.
52. J. Sturrock., *op. cit.*, pp. 176-177.
53. *Ibid*, pp. 180-181.
54. "The Oriental Herald", Vol.22, No. xviii for August, 1829; quoted in "The Mangalore Magazine", Vol. III. No.2, June, 1904, pp. 38.
55. David Arnold., - *Police power and Colonial Rule, Madras, 1859-1947*, Delhi, OUP, 1986, pp . 39.
56. Buchanan., *op. cit.*, Vol. III, pp . 23-24.
57. Samuel Miley., *op. cit.*, pp . 18.
58. Buchanan., *op. cit.*, Vol. II, pp . 226.
59. Sundararaja Iyengar ., *Land Tenures in the Madras Presidency*, 1916, pp . 32.
60. *The Coorg Manual.*, 1899 (corrected up to 1916) Appendix IV pp . 168-179.
61. Abhishanker (eds) – *Karnataka State Gazetteer South Kanara District*, Bangalore, 1973, pp. 430.
62. Sturrock, *op. cit.*, pp . 119-120.
63. *Report of the land Asssessment and the landed Tenures of Canara*, Mangalore, 1853, pp . 85.
64. Vasantha Madhava, K.G., "The Religious Institutions and Government in Karnataka; 1500-1763", Paper presented in the 43rd session of the Indian history Congress, Kurukeshethra, and Published in Quarterly Journal of the Mythic Society, vol. LXXV and Issue no. 4
65. *Statistical Appendix to the District Manual of South Kanara*, Madras, 1905, pp . 16.
66. *Report on the Cultivation and Settlement, par*, 1904, Madras, para-16.
67. Sundararaja Ayyangar., *op. cit.*, pp . 92; The *chalageni* tenant besides paying a fixed rent, either in cash or kind had also perform *bitti* labour at his land lord's house. This consists in performing gratuitous labour towards the execution of the annual monsoon repairs to the house of his land lord, and also in assisting during the occasion of any marriage or other ceremony of importance.
68. *Ibid*, pp . 33.
69. *Ibid*, pp . 33-34.
70. *Sir Thomas Munro's letter dated 31st May, 1800*, Quoted in J. Sturrock, *Madras District Manuals, South Canara, Vol. I*. Madras, 1894, pp . 98.

71. *Ibid*, pp. 98
72. A.J. Arbuthnot., *op. cit.*, pp . 64-65.
73. *Ibid*, pp . 62.
74. A.J. Arbuthnot., *op. cit.*, pp . 65
75. Venkatasubba Sastri.K.N., *op. cit.*, pp. XXXIV.
76. A.J. Arbuthnot., *op. cit.*, pp. 64.
77. *Maltby to Board of Revenue, 22-7-1839, Quoted in the Report of Land Assessment and the Landed Tenures of Canara, Mangalore, 1853 . pp . 22.*
78. *Ibid*, pp . 23.
79. *Ibid*.
80. Stephan Frederic Dal., *Islamic Society on the South Asian Frontier, the Mappilas of Malabar: 1498-1922*, OUP, 1980, pp . 248
81. Kurup.K.K.N., ‘Ryotwari and Land Monopoly system in the Kasargod Taluk : A case study of a landowning family’ (unpublished Research paper) quoted in N. Shyam Bhat in his ‘South Canara 1799-1886’, Delhi 1998, pp . 91.
82. Thomas Munro’s letter., *op. cit.*, pp . 99.
83. Surendra Rao, B., *Bunts in History and Culture*, 2010, Udupi, pp . 184.
84. *Ibid*.
85. J. Sturrock., *op. cit.*, pp. 99.
86. *Ibid*.
87. Majority of Shanubogs belonged to Gauda Saraswata community and they were migrated from Northcanara. Among Patels, the majority to local upper classes. British retained the feudal features of these posts, because they wanted to use them as the apparatus of imperial bureaucracy. Patel was in charge of both civil and magisterial powers.
88. Regulations of XXVII and XXVIII were passed in 1802, to deal with the inhabitants who failed to pay their revenue properly and also those who deliberately desisted from the payment of the revenue collections of the first 17 years a “tarao” (fixed) or “Sarasari” (average) settlement was introduced in 1819. This average settlement was the basis of the revenue settlement in subsequent years.
89. Surendra Rao, B., *op.cit.*, pp . 186.
90. *Ibid*, pp . 187.
91. Of the two peasant rebellions, the first took place during 1810-11, and the second during 1830-31. The second peasant rebellion was wide spread and came to be called “Nagara Rebellion” of Mysore state. The British made it an excuse to accuse at Mysore king was a rebellion and annex his kingdom.

92. *PMBR.*, Vol. No. 533, pp . 261
93. *Mr. John Stokes Report.*, dated 12th January, 1833, Para 12.
94. *Ibid*, Para-15.
95. *Letters Relating to the Early Administration of Canara, Collectorate Press, South Kanara,* 1879, pp. 45.
96. Surendra Rao, B., *op. cit.*, pp . 189.
97. *Ibid*, pp . 189.
98. *Ibid*, pp . 189-190.
99. *Ibid*, pp . 189-190.
100. Since Landed mulwargdar are very powerful, the colonial rulers were interested in getting benefits through their support. They considered western education as an eligibility to work as employer in the lower section of the bureaucracy.
101. Indologists like William Jones, Coole-Brooks, H.H. Wilson had personal interest in learning the Sanskrit language.
102. Gowri Vishwanthan., *Masks of Conquest; Literary Study and Britain Rule in India*, Colombia University Press, 1989, pp . 131.
103. Surendra Rao, B., *op. cit.*, pp . 192.
104. *Ibid*, pp . 192.
105. *Ibid*, pp . 193.
106. Mohanakrishna Rai,K., *Tulunadu Kannadanudi : Tulu Karkatanada nadu nudi chinthane*, Hampi, 2012 pp . 261.
107. *Ibid*.
108. *Ibid*.
109. A. Sarada Raju., *Economic Conditions in the Madras Presidency*, University of Madras, 1941, pp. 22-24.
110. Suryanatha Kamath.U, (ed)., *Uttar Kannada District Gazetteer*, Bangalore, 1985, pp. 672.
111. *Ibid*, pp. 672.
112. A.J. Arbuthnot., *op. cit.*, pp. III.
113. *Ibid*, pp. III – IV.
114. *Ibid*, pp . IV.
115. *Ibid*.
116. *Ibid*, pp . V.
117. *Proceedings of the Madras Judicial Department (PMJD) 15-4-1803*, Sl.No. 3, pp. 49-51.
118. *PMJD.*, 1-1-1803, Sl.No. 3, pp. 35, 63, 64

119. Shyam Bhat.N., *Judiciary and Police in Early South Canara*, Delhi 2001, pp. 20.
120. *Ibid.*
121. *Ibid.*
122. Thomas Morris Keate's (*Judge and Magistrate*) letter dated 6-8-1806 to the Secretary to the Government, Fort. St. George in PMJD, 2-9-1806, Sl.No. 19, pp . 2869-2878.
123. PMJD, 27-10-1806, Sl.No. 19, pp . 3186-3188.
124. PMJD, 28-10-1806, Sl.No. 19, pp . 2733-2778.
125. Thomas Morris Keate's Letter, *op. cit.*, pp . 2733-2777.
126. Shyam Bhat.N., *op.cit.*, pp . 21.
127. *Ibid*, pp . 22.
128. Alexander Wilson's letter from Onore (Honnavar) dated 1-12-1806 to the Judicial Secretary to Government, in PMJD, 5-12-1808, Sl.No. 21, pp . 3872-73.
129. PMJD, 22-3-1808, Sl.No. 35, pp . 938.
130. *Ibid*, pp . 571-573.
131. PMJD., 21-2-1817, Sl.No. 104, p p. 716-720.
132. PMJD., 31-5-1808, Sl.No. 36, pp . 1840,
133. Shyam Bhat., N, *op. cit.*, pp . 22.
134. Richard clarks ., *The Regulations of the Government of Fort. St. George, In Force at the end of 1847: to which are added as Acts of the Government of India in force in that Presidency*, London, 1848, pp . 567-569
135. Shyam Bhat, N., *op. cit.*, pp . 23.
136. *Ibid.*
137. *Ibid.*
138. *Ibid*, pp . 23-25.
139. *Ibid*, pp . 25.
140. *Ibid.*
141. *Ibid*, pp . 26.
142. PMJD., 22-7-1808, Sl.No. 37, pp . 2548-2549.
143. *Ibid*, pp . 2552-2559.
144. PMJD., 16-8-1808, Sl.No. 28, pp . 3001-3011.
145. PMJD., 22-10-1811, Sl.No. 66, pp . 4570-4571.
146. PMJD., 17-7-1812, Sl.No. 75, pp . 3953.
147. Shyam Bhat,N., *op. cit.*, pp . 31.
148. *Ibid*, pp.24.
149. *Ibid*, pp . 22-25.

150. PMRD., 27-11-1820, pp . 453-457.
151. A.J. Arbuthnot., *op. cit.*, pp . 464-467.
152. Burtien Stein, *op. cit.*, pp . 180-183.
153. T.H. Beaglehole., *Thomas Munro and the Development of Administrative Policy in Madras, 1792-1818, The origins of "The Munro system"* Cambridge, 1966, pp . 103
154. *Fort St.George, Judicial Consultations 13th May 1815. Madras, 28th* Quoted in, *The Munro System of British Statesmanship In India* by K.N.Venkatasubba Sastri B.B.D Power Press, Bangalore, 1939, pp. 47-63.
155. PMJD., 19-8-1816, Sl.No. 108, pp . 2913-3042.
156. PMJD., 13-9-1816, Sl.No. 116, pp . 3243.
157. PMJD., 25-11-1816, Sl.No. 119, pp . 4771-4772.
158. A.J. Arbuthnot., *Select papers, op. cit.*, pp. X.
159. *Ibid*, pp . X – XI.
160. *Ibid*, pp . X.
161. *Manual of Administration of the Madras Presidency, Vol-I, part-II*, Madras, 1885, pp . 271.
162. PMJD., 19-8-1815, Sl.No. 108, pp . 2937-2959.
163. PMJD., 26-7-1817, Sl.No. 125, pp . 2210-2218.
164. *Ibid*,
165. PMJD., 15-6-1827, pp . 1830-31.
166. PMJD., 21-8-1827, Vol. 202B, pp . 2665-2667.
167. PMJD., 15-6-1827, Vol. 200A, pp . 1837-1838.
168. Richard Clark ., *The Regulations of the Government of St. George, In Force at the end of 1847*, pp. 559
169. *Manual of Administration of the Madras Presidency Vol. I, part-II*, Madras, 1885, pp . 272.
170. A.J. Arbuthnot., *Select papers, op. cit.*, pp . XVI.
171. *The Madras High Court 1862, 1862-1912, Centenary Volume (Madras, 1962)*, Quoted in N. Shyam Bhat, *op. cit.*, pp . 40.
172. PMJD., 20-6-1843, Vol.No. 449, pp . 1668.
173. *Ibid*.
174. Suryanath Kamath (ed)., *Karnatka State Gazetteer, Uttara Kannada, District, op. cit.*, pp. 672-673.
175. Report on the Administration of Madras Presidency, 1864-65, pp . 119.
176. *Ibid*.

177. P.E. Roberts ., *History of British India*, Delhi, 1980, pp . 231, 289.
178. Munro's Letter to Wiliam Petry, dated 09/11/1880 PMRD dated 10/03/1800, Vol. 247, pp .2252.
179. H.A. Stuart., *Madras District Manuals : South Canara*, Vol. II Madras, 1895, pp. 193.
180. *Ibid*, pp . 194.
181. *Ibid*.
182. *Ibid*, pp. 195.
183. *Ibid*, pp. 197.
184. *Ibid*,
185. *Ibid*,
186. *The South Canara Gazett.*, July 1862, Supplementary Issue, Mysore, pp. 315, (Bound Vol.)
187. *Ibid* , November,1891, pp. 7.
188. *The South Canara Gazette.*, January-June 1899, *op. cit.*, pp. 183. (Bound Vol.)
189. H.A. Stuart., *Madras District Manuals : South Canara*, Vol. II ,Madras, 1895, pp. 197.
190. *Ibid*, pp. 198.
191. *Ibid*.
192. *Ibid*.
193. *Ibid*.
194. *The South Canara Gazette.*, *September-December 1862*, Mysore, pp . 461 (Bound Vol.)
195. *Ibid*, pp. 452 .
196. *Ibid*, *March-June 1862*, pp . 363.
197. *Ibid*, *January –June 1862*, p. 357-358, *June – September 1862*, pp . 172-175.
198. Krishna Bhat A., *Loka Vyavahara Bhodini*, *Basel Mission Print House* Mangalore 1935 pp . 92-122.
199. *Ibid*.
200. *Ibid*.
201. *Ibid*.
202. *Ibid*.
203. *Ibid*.
204. *Ibid*.
205. *Ibid*.
206. *Ibid*.
207. *Ibid*.
208. *Ibid*.

209. *Ibid.*
210. *Ibid.*
211. *Ibid.*
212. *Ibid.*
213. *Ibid.*
214. *Ibid.*
215. *Ibid.*
216. *Ibid.*
217. *Ibid.*
218. Shyam Bhat, N., *op. cit.*, 2001, pp . 52-53.
219. *Ibid*, pp. 55.
220. *Ibid.*
221. *Ibid.* pp . 56.
222. *Ibid.*
223. *Ibid.*
224. *Ibid*, pp. 58.
225. *Ibid*, pp. 59.
226. *Ibid.*
227. *Ibid.* pp . 60.
228. *Ibid.*
229. *Ibid.*
230. *Ibid.*
231. *Ibid.*
232. *Ibid.*
233. *Ibid*, pp . 60-61
234. Shyam Bhat, N., *South Kanara (1799-1860) New Delhi, 1998*, pp . 88-89.
235. B.B. Mishra, *op. cit.*, pp. 535.
236. Harris.T, *Collector and Magistrate in Mangalore, 14-3-1817 to the Commissioners for the revision of the Judicial system, in PMJD, 30-9-1871, Sl.No. 126*, pp , 2866.
237. Shyam Bhat, N., *op. cit.*,2001, pp. 62.
238. *Ibid*, pp. 63.
239. *Ibid.*
240. *Proceedings of Madras Government, Judicial Department ordered by T. Pycroft, Chief Secretary to the Principal Sudder Amin of Calicut, Chapter-VI, Para 254, Mysore*, pp . 67-68.

241. *Ibid.*
242. Shyam Bhat, N., *op. cit.*, pp. 64.
243. B.B. Mishra., *op. cit.*, pp. 536.
244. *The History of Madras Police – Centenary Volume*, pp. 261, Quoted in N. Shyam Bhat, *op. cit.*, pp . 65
245. Shyam Bhat, N., *op. cit.*, pp . 65.
246. H.A. Stuart., *op. cit.*, pp. 199.
247. Report of the office supt. of Police South Canara District 16th Sept. 1865, South Canara Gazzete, January-June 1866, pp. 406 (Bound vol.)
248. *Ibid*, 6th March, 1865, South Kanara Police News; June, 1866, *op.cit.*, pp . 95.
249. Samuel Miley., *op.cit*, pp . 52-53.
250. *Ibid.*
251. *Ibid.*
252. *Ibid.*
253. Gangolli Krishna Rao ., *A Treatise on Aliya Santana law and Usage*, Mangalore, 1898, pp. 1 .
254. *Ibid*
255. *Ibid*, pp. 2.
256. *Ibid* pp. 4.
257. Arunima.G., *There comes papa : Colonialism and the transformation of Matriliney in Kerala, Malabar, 1850 – 1940*, New Delhi 2005.
258. Surendra Rao, B. ,*op. cit.*, pp. 292.
259. Shankar Bhat.M.V., *Aliyasantana law*, Mangalore, 2004, pp . 5.
260. *Ibid.*
261. *Ibid.*
262. Gangolli Krishna Rao., *op. cit.*, pp. 13-14.
263. *Ibid*, pp. 7- 8.
264. Ganapathi Rao Aigal M., *Dakshina Kannada Jilleya Pracheena Itihaasa*, 1923 Mangalore,pp. 43
265. Surendra Rao B., *op. cit.*, pp . 37.
266. J. Sturrock, *op. cit.*, pp. 264 and *Francis Buchanan*, *op. cit.*, pp. 283.
267. Shanker Bhat.M.V., *op. cit.*, pp. 7.
268. *Ibid.* High Court judge Holloway held that, “If this indisputable rule had been abrogated by decisions of the highest courts of appeal.... How much so I should have lamented that judges had overstepped their proper duty of declaring law, I should Have

followed such decisions. Here, however, the only decisions pronounced are those of inferior courts, evidently influenced by their view of expediency in their particular case before them.... Decisions dividing the family property have also been passed in Malabar and it is one of the claims of our late colleague Mr. Justice Strange... that he successfully resisted the attempts of lower courts.... To introduce foreign admixtures into law of which whatever may be thought of policy none can deny the consistency of the theory upon which it is based". He further continues, "I adhere most strongly to the opinion that where a rule of law indisputably exists it is the duty of the judges not to fritter it away on the specious pretense of bringing rules of law into harmony with what they may consider the requirements of society. If they are wrong in their view of such requirement... the evil is unmixed, if right, the mischief still predominates over the good because it prevents that systematic reform from which alone good can result. Such systematic reform is for the legislature.

269. *Ibid.*

270. *Ibid.*

271. Surendra Rao B., *op. cit.*, pp. 293.

272. Shankar Bhat.M.V., *op. cit.*, pp. 9.

273. Lewis Moore., *Malabar Law & Custom, III Edition, 1905*, pp. 416-417, Quoted in M.V. Shanker Bhat, *op. cit.*, pp. 9. In this regard Lewis Moore was of the opinion that it is instructive that much of the direction and inflexibility regarding the rules of matrilineal law emanated from the higher courts, the District and High courts. For instance, cases brought to court seeking the partition of matrilineal join family were constantly successful in Provincial Courts, but were invariably foiled on appeal to the Sudder Court at Madras, the objection being frequently taken for the first time by an English Barrister. It so happened that.... The Sudder Court possessed one or more Judges, who were thoroughly acquainted with local custom, either Malbar or Tulunadu custom, and by whom cases from the district were invariably heard.

274. Lowis Moore., *Malabar Law & Custom, III Edition 1905*, pp. 417, Quoted in M.V. Shanker Bhat, *op. cit.*, pp.10.

275. Shanker Bhat, M.V., *op. cit.*, pp.10.

276. Surendra Rao, B., *op. cit.*, pp.294.

277. *Ibid.*

278. Gangolli Krishna Rao., *op. cit.*, pp.25.

279. *Ibid.*

280. Surendra Rao, B., *op. cit.*, pp. 294-295.

281. *Ibid*, pp. 295.
282. *Ibid*.
283. *Ibid*.
284. *Ibid*, pp. 295-296.
285. *Ibid*, pp. 296.
286. *Ibid* pp. 297.
287. *Ibid*.
288. *Ibid*.
289. *Ibid*.
290. Shanker Bhat.M.V., *op. cit.*, pp. 15.
291. Surendra Rao B., *op. cit.*, pp. 299.
292. Udaya.B., “Tulunadina Samjika Charitre” in *Tulu Sahithya Charithre*, Hampi, 2007, pp. 94.
293. In Malabar, plantations were owned by individual proprietors and slaves cultivated their farms; in Tanjore slaves belonged to corporate village communities.
294. Udaya.B., “Tulunadina Samajika Charitre” , *op.cit.* pp. 94.
295. Udaya.B., ‘Salvery in the Kanara Coast’ in *Retrieved Acre*, Mangalore University, 2003, pp. 132.
296. The collector of Sholapur writer, “there is probably no subject on which it is so difficult to procure correct information from the natives as this, arising from their extreme jealous of our interference in matter which they consider as their domestic concerns” – Parliamentary paper, 1837-38, Vol. II, pp. 436. Quoted in *Retrieved acre*, by B. Udaya, *op.cit.*, pp. 148.
297. W.H. McNaughton., *Principles and Procedures of Hindu law* Vol. II, Calcutta 1828-29 pp. 304
298. Francis, Burchanan., *A Journey from Madras through the countries of Mysore, Canara and Madras*, Vol. III, London, 807, pp . 5-8.
299. *Ibid*.
300. *Ibid*.
301. Udaya.B., ‘Slavery in the Kanara Coast’, *op.cit.*, pp. 135.
302. From T. Haris., Collector of Canara, to the president and members of Board of Revenue, dated 10th July, 1819, Parliamentary papers (judicial), Para. 7, pp. 844, Quoted in by B. Udaya in an article “Slavery in the Kanara Coast”, *op.cit*, pp. 149.
303. *Ibid*.

304. Minute of the Board of Revenue ., In January 1818, parliamentary papers, 1828, Vol. XXIV, pp . 815-818, Quoted in an article by B. Udaya in an article “Slavery in Kanara Coast”, *op.cit.* pp. 139.
305. Udaya.B., ‘Tuluvaradina Samajika Charithre’, *op.cit.* pp. 99.
306. From H.M. Blair, Magistrate of Udupi, to the Registrar of the provincial court of circuit, Western Division, Tellicherry, dated 11 February, 1841, Law proceedings 2, August to 20 September, 1841, Imperial Record Department, Quoted in “Tulunadina Samajika Charitre” by Dr. B. Udaya, *op.cit.*, pp. 100.
307. Vasantha Kumari. C., ‘*State and Social change – The role of Judiciary – A case study of Malabar 1792-1940*’, Calicut University, 2003, pp. 367-68.
308. *Ibid*, pp. 368.
309. Elizabeth Kolsky., *Colonial Justice in British India: White Violence and the Rule of Law*, CUP, 2010.
310. Non-official Europeans are Traders, Planters, Money lenders, evil elements of the British Society, prostitutes etc. They had nothing to do with the East India Company.
311. Elizabeth, Kolsky., *Colonial Justice in British India*, *op.cit.*, pp. 57.

Chapter 5

Traditional and Parallal Judicial Practices

Traditional and Parallel Judiciary

Modern and Traditional Judiciary

The traditional world of Tulunadu has been immense and plenteous. Beliefs, rituals, and worship practices assume paramount significance in determining its culture. It may be noted that any system in the world basically developed in conformity with religious rituals as well as religious literature. Every society of Tulunadu has evolved its own tradition, rules and regulations to enhance the individual well being of its members. Despite their non-availability in written form, such traditions have been sustained as a social tradition and aspiration. Laws and judicial process models of Tulunadu are comparable with its contemporaries in other regions. In Tulunadu there was no hierarchy in the judicial structure before the advent of the British rule. One of the important feature of the judicial system of Tulunadu is the creation of different types of institutions for the purpose of administration of justice by the people.¹ Prominent among them were justice assembly or *nyaya panchayat*, arbitration, swearing in the name of truth or *satya pramana*, undergoing various ordeals or *divyas*, *hoilu* system, the procedures in the theatre of *bhutharadhane*, tribal judiciary etc. The administration of traditional judiciary carried out at different levels by the people can be divided into two parts. They are, the work of administration carried out in the temples and bhuta shrines can be called the religious judicial system, and the secular administration of justice, i.e., the administration of justice which takes at the levels of the *seeme*, *magane*, *grama*, *guttu*, and *kutumba* or family in the presence of the elders of the village²

The *seeme*, *magane*, *grama*, *guttu* level administration of justice procedure have already been discussed in the third chapter. We will discuss the judicial procedures of *bhutharadhane* in the sixth chapter. This chapter mainly discusses both religious and secular justice practices as parallel to the modern judiciary. The important aspects taken up in this chapter are tribal judiciary practice among the various tribes of Tulunadu and judicial procedures carried out in the temples. Though the people, who follow traditional judiciary practice, did not study ancient *Dharmashastra*, *Nitishastra* *Dandashastra*, the essence of these *shastras* were inherent in their practices. Traditional and parallel judiciary of Tulunadu had its own rules and regulations to solve its social conflicts and issues. One can observe three main features in this form of judiciary. *Firstly*, it was oral

and there was no documentation; *secondly*, these judgements were delivered by the elders and *thirdly*, these were directed by the traditional values.

The modern judicial system pervades all spheres of life. There are numerous new laws to protect social justice. However, traditional and customary justice delivery system still exists in rural areas, that run parallel with the modern judicial system or at least a system prevails in which the disputes are resolved through *nyaya* panchayat. Existence of traditional systems along with modern judiciary does not mean that the new system has come into being after destroying the old one. Even in cases where transformation has taken place, the new system without completely destroying the old one, sometimes appearing as its new form, invites the old system for assimilation. Though there are instances of a new system scoring victory over the old, eventually, the victorious system leaves its imprint on the vanquished system, assimilating it into its fold. However, the shadows of the past, the shadows that have become weak due to the onslaught, remain firmly.

In a diverse country like India, resolving the conflicts among the people on the basis of its local practices and traditions is a simple, popular and accepted norm. Disputes were settled in the presence of the elders of the village. Though in a democratic system, great value is attached to individual freedom but, traditional justice systems were more focused on the interest of the society rather than individual interests and rights. Collective responsibility played important role in the traditional judicial system. The entire community had to face the consequences of an individual's crime. It was strongly believed that if an individual went against *dharma*, the Gods would become angry and the consequences of their anger would result in the punishment to the whole community. For the happiness and prosperity of the society, everyone had to bow before the moral codes of the society.

Though the establishment of a strong judiciary with high tradition of freedom and fairness is one of the enduring legacies of the British rule in India, the colonial administration had a strong bias against our traditional judiciary system. They could not understand India due to cultural differences and they concluded that these traditions are superstitious. Eventually, when they started ruling over our intellectual world, Indians too started believing them because there was no written law and it was unilateral. British were critical that Indian traditional judicial system is uncivilized and anarchic.

According to them verdicts of the village headmen were designed to suit the whims and fancies of the village head and this led to tyranny and exploitation.

If this was the case, traditional judiciary would have disappeared completely by now against the advent of modern judiciary during the last 200 years. But in rural areas people still have belief in traditional judiciary system to solve their disputes. Many disputes that were beyond the scope of modern judiciary have been resolved at religious centres like Dharmasthala, Kanatturu, Pade Ali. There are various positive points of the traditional judicial system and the negative points of the modern judicial system.

Our rural judicial system has many positive points. The opinions of today's educated youth stem from their imaginary world, however, rural people are a reservoir of experience. It is not a judgement, but a hypothesis. Rural people feel comfortable in resolving their disputes in a traditional way. They expect to get justice quickly and without much expenditure. This is not possible in modern judiciary. Modern judiciary depends on rules, regulations and conditions, whereas panchayats relate to life of contentment of the concerned. Nagesh.H.V., in his article on 'Namma Grama Devategulu' argues that village plays a central role in resolving quarrels, boundary disputes of agricultural fields. Grama panchayats and caste panchayats discuss serious legal issues and administer justice and people held in high esteem respect the verdicts awarded by this system³.

N. Jayaraj mentions the discussions Rangaswamy.T, in his thesis about the judicial aspects of the region of Bandihole. Here disputes were not taken to the courts instead they were heard and settled in the *chavadi* of the village. He praises the features and nature of the traditional and parallel judiciary system. Only those people who have certain specific qualifications are allowed to sit on the *chavadi* and discharge their duties. If the head of the grama could not settle an issue it would go to *Nadu Gowda* who heard both, the defendant and plaintiff, at an appropriate place settled the dispute. If *Nadu Gowda* could not solve a problem, the dispute would be referred to the superior *Nadu Gowda* functioning at a higher level. The superior *Nadu Gowda* delivered the final judgement after a thorough enquiry of the witnesses, cross questioning, and through various other stratagems⁴.

Though simple, the traditional *nyayapanchayat* delivers a wise judgement. The jury or the head of the *guttu*, or the *gurikaras* of the community, try to dispense justice instead of a verdict. Modern judiciary depends heavily on witnesses and focus is on the *rights* whereas, *duty* is considered more humane in the traditional judiciary. As the jury is completely aware of its clients' background and ground realities, there is no scope for false evidence. If minor doubts come up after the judgement, the members of the jury are available to solve such doubts.

The alternative, traditional and parallel judicial practice in Tulunadu are community judicial practices of tribes of Tulu Nadu like *Koragas*, *Malekudiyas*, *Marathis*, *Bakudas*, *Malas*, *Mundalas*, *Mailas*, *Gowdas* and also the justice administered by temples. These systems had many methods, principles and commandments for resolving the conflicts. This traditional judicial system is still in force along with the modern judicial system introduced by the British. With regard to this background, we should consider the ideas of justice that Tulunadu had from the middle ages to the colonial age. Important among these dimensions are ruler-centered justice, religion-centered justice, and tradition-centered justice. Written evidences, oral evidences with a sense of history formed by the communities play an important role here. Along with political and administrative systems and the modern judicial system, the traditional judicial system parallel to these assumes utmost importance for our study, as history has never been a monolithic structure.

Traditional Judiciary of the Tribes of Tulunadu

Tribal communities of India represent an important social category of Indian social structure. Tribes in Indian context are generally referred to in the Indian language of Indian constitution as scheduled tribes. According to Oxford Dictionary "A tribe is a group of people in a primitive or barbarous stage of development acknowledging the authority of a chief and usually regarding themselves as having a common ancestor. It is also a social division in a traditional society consisting of families or communities linked by social, economic, religious, or blood ties, with a common culture and dialect, typically having a recognized leader". Those people, who have kept themselves at a distance from civilized societies, adopting a life style different and separate from these societies and retained to this day their distinct and cultural values, can also be recognized as tribe⁵. We can recall the main characteristics of tribe as follows; common territory,

collection of families, common name, common language, common ancestor, common religion and common culture and so on.

Tulunadu is also the abode of several tribes. Important tribes of Tulunadu are Koragas, Malekudiyas, Marathis, Kudubis, Hasalas and Marathi Naik and so on. Koragas are the aborigins of Tulunadu and they are also regarded as one of the most backward tribes of South India. They scattered all across coastal Karnataka or Dakshina Kannada and Udupi districts of Tulunadu and few parts of Kerala. The Malekudiyas live in the hilly areas of the western ghats like Karkala, Belthangady and Sullia regions of Tulunadu. Marathi Naikes are migrants of Maharashtra, though they donot have any features of a tribe are recorded as tribals in the government list. Kudubi community of Tulunadu were once tribals, but later they were denied the benefits of the system. These people completely follow tribal regulations in their daily customs, food culture, beliefs, practices, dress and so on.

Another tribe of Tulunadu is Hasalas. According to the government order related to scheduled castes and scheduled tribes and the revised order of 1956, Hasala community has been recognized as a scheduled tribe in the districts of Bangalore, Bellary, Chikkamagalur, Chitradurga, Hassan, Kolar, Mandya, Mysore, Shivamogga etc. But P. Kamalaksha says that they reside areas around Kundapura of Udupi District. A.V. Navada and Gayatri Navada have referred to Hasalas in their book *Kadyanata:Pathya mattu Pradarshana*. Hence, the Hasala community can be recognized as a tribe of Tulunadu. These authors have given information about the religious practices, habits, sanitation of the Hasalas living in the areas of Kundapura, Kolluru and Madamakki⁶.

There are more than twenty crore people belonging to tribal communities across the world. Their social structure, individual interests, life style and interactions are different from the civilized. It will be in the interest of the society as a whole to understand these tribal groups and their relationship with the environment. A comprehensive study of the tribes and the modern society is more important than the comparative study of the different tribes⁷. As the comprehensive study of the tribes is outside the scope of the thesis, this chapter tries to analyze the judicial system of some tribes of Tulunadu.

Judiciary in Koraga community

The Koraga community of Karnataka and Kerala States of southern parts of India is considered as one of the most primitive communities of India. They also occupy the lowest position in the traditional caste system of Tulu Nadu. Various surveys and studies have been conducted about the Koraga community right from the nineteenth century⁸. The Koraga community of coastal Karnataka has all the features of a tribe. They are scattered all across coastal Karnataka or Dakshina Kannada and Udupi Districts of Tulu Nadu. They are divided into three to four clans : *Ande Koragas*, *Vastra Koragas*, *Soppu Koragas* and *Kadu Koragas*. They live in a matrilineal kinship society and blood relationship is the salient feature of their family system. This matrilineal kinship is *bali* or lineage centred. About twenty *balis* have been recognized among the Koragas. Among them *bangarannaya bali* is recognized as supreme since the said clan or *bali* is in charge of the religious practices of the community. The lineage or *bali* is a decisive factor in their marriage. The people belonging to the same *bali* are considered as brothers and sisters. Therefore, inter-clan marriage of the same lineage is banned and they strictly follow outside-clan marriage, which is treated as auspicious. Here the *bali* is carried forward from the mother to the children. Women have special prominence among the Koragas, since it is they who, have a claim on their children and bring them up.

Koraga people have their own distinct judicial practice. *Mukari* or '*Mukarve*' has a prime position in this practice. Usually, *Mukari* has an assistant named *Moondikara*. Both of them have the right to adjudicate. This kind of adjudication takes place during the marriage or *bhuta kola*. Judgements, more often, are based on beliefs and tradition. Koragas, by nature are emotional people and they take even the minor mistakes seriously. We can identify the matters that are subjected to enquiry in the Koraga judicial practice as follows.⁹

- Spilling of one's food on to another's plate.
- Spilling the toddy on to the floor while pouring into a glass.
- Bigamy.
- Adultery.
- Not arranging and non-participation in the Kola of Koraga Taniya.
- Not taking part in group activities, like dance.
- Disobeying a *Mukari*.

If the rules are not complied with, the *Mukari* can impose a penalty on the offenders. Since flute and drum plays an important role in their cultural life, *Mukari* issues instructions on the door to door movement of the flute team. He can excommunicate those who go against the community and has powers to re-induct them after taking appropriate steps.

Another unique practice in the Koraga justice delivery system is , *Sudu Suddha*¹⁰. This is in practice among other lower castes too. ‘*Sudu Suddha*’ or the ordeal of passing through seven burning huts is used for re-inducting people who have been excommunicated for unpardonable offences back into the community. For this, seven huts having two roofs are built on the river banks, using bamboo and grass and they are set aflame. The guilty, has to pass through these seven burning huts as a symbol of purification from guilts committed for seven generations. ‘*Sudu Suddha*’ was practiced in the case of adulterous women too. Her male partner has to arrange for this fire test and bear all the expenses. Probably, the underlying meaning here is that by performing this, she has burnt the sin committed by her since last seven generations. The culprit male used to be thrashed with sticks while the female is performing *Sudu Sudda*. They get re-inducted into the community after getting them purified, by sprinkling on them, a fluid prepared by mixing ash from the burnt huts and turmeric. Community *gurikara* had to supervise this ritual.

But, according to Francis Buchanan, the Koragas did not have a hereditary leader and their quarrels and conflicts used to be settled at the general meetings of the community.¹¹ Ullal Raghavendra Rao agrees, with it. But, according to him an elderly person of the community assumed the leadership during the Koragas’ festivals, their marriage ceremonies, worshipping, and the naming ceremony of the children etc., And, he used to carry out all these functions with the co-operation of the community assembly. He was called the leader of the ‘*Koppa*’, the secluded locality of the dwellings of the Koragas.¹² But D.N.Shankar Bhat, is of the opinion that among the Koragas, various tribes used to have different leaders and that they used to take an important role in important functions like marriage, engagement¹³. Therefore, in a nut shell, there was the presence of a leader nevertheless.

C.Vasudevan draws our attention to the social discipline and unique moral sense of the Koragas¹⁴. A Koraga men cannot re-marry when his wife is alive and they claim that they donot approve of pre-martial or extra martial sex relations. The offenders are this

discipline punished severely, through excommunication and fines. Moreover, the guest who comes home is not supposed to look at the ladies residing in the house. On this occasion women make curtain, so that they are not allowed to go across, when the guest is in the house. C.Vasudevan also refers to the punishments like imposing penalty, whipping, ex-communication from the tribe, ritual of *sudu suddha* etc., in the event of the violation of these conventions.¹⁵

Ramappa Ormika was of the opinion that '*sudu suddha*' practice was confined to men only.¹⁶ But Edgar Thurston, doesnot agree with this. According to him, even women were required to subject themselves to *sudu suddha* to prove their innocence.¹⁷ According to Manudharmashastra, if a woman loses her chastity, the resultant sin needs seven generations for atonement. Thurston opined that the seven huts symbolized the seven generations¹⁸.

According to Francis Buchanan, women too had to undergo whipping. Among the *soppu koragas*, a man is treated as outcaste, if he visits the house of a lone woman after sunset. If a woman of this distinct group did not cover herself with leaves, it used to be taken as an insult to the group¹⁹. If a false complaint is filed, a fine would be imposed on the complainant or he would get lashes. However, there was no punishment for a man who kills his wife and her paramour for adultery, this was a tradition in almost all slave castes in India, observes Ramappa Ormika²⁰. But, at present the custom does not have any value. The joint family system existed in the Koraga community and all family disputes in family at first used to be decided by the eldest male member of the family. No other member had the right to interfere in the judicial process related to family disputes.

The general meeting of the seven divisions (*magane*) of the Koragas used to be held at Bappanadu, but now it is held at Kaup. Here the conflicts and quarrels in the society are solved by their social heads. They have the right of summoning a meeting of the caste assembly. After settling the dispute, a lavish meal which includes toddy is arranged. The person, who has committed the mistake, after his eviction had to arrange such lavish meal. Sometimes the financially weak people were exempted from this burden. Among Koragas, the tendency of male domination in the judicial delivery system is evident. *Sudu sudda* targeted only the women, because they believed blindly that only the women should get purified for seven generations by passing through the fire. Here one can find the reflection of male domination.

Judiciary in Malekudiya community

In Tulunadu, the Malekudiya is an important tribe which lives in bases of western ghats. They are almost similar to that of Koragas, although in some respects of religion they differ. Their population is well spread over Dharmasthala, Ujire, Sullia, Kalasa, Shishila, Neriya, Nada, Savanalu, Banjaru, Shirlal, Bajagoli, Virajpet and Coorg etc. Sparsely, they also live at places surrounding the hilly regions of Kasaragodu district of Kerala state. Some scholars call them *Kudiyaru*. Scholars have different opinions about the two terms Kudiyaru and Malekudiyaru. But, most of the recent studies indicate that both these groups – Kudiya and Malekudiya were one and the same²¹. They are known by different names in different places. In Tulunadu, they are referred to as Malekudiya, Kudiya. In Kodagu they are known as Maleru and Malaikudi in Chikmagalur District. In spite of the differences in their nomenclature they all belong to the same tribe. Infact veterans of the Malekudiya community accept this view and matrimonial alliances happen between these groups. However, there is an argument that the Malekudiyas marry girls from Kudiyas, but do not give out their girl in marriage to the Kudiyas. There might be some specific economic and geographical reasons. Broadly, the Kudiyas and the Malekudiyas, getting acclimatized to the modern social trends are trying to be united, discarding their old customs and practices.

The Malekudiyas are the natives of Tulunadu and they are not migrants from other regions. Scholars also endorse this point, relying on their outward appearance and the life style. Though their's is a forest life, there is a visible change in them with time. Joint family is rarely found among the Malekudiyas. Usually, their family comprises only the husband, wife and their children. Besides this, children get married off at appropriate age. The man, who marries, is capable of maintaining his family and he does not depend upon his parents for the maintenance of his own family. As their earnings are exclusively used for the maintenance of the family, the concept of savings and purchasing properties is very rare among them. They spend whatever remains for their annual festivals, marriages and other family celebrations.

There are two types of familial systems in Malekudiyas: they are *Aliyakattu* and *Makkalakattu*. Former is matrilineal system and the latter is a patrilineal familial system²². *Aliyakattu* is the original culture of the Malekudiyas. They celebrate every event only under the leadership of the chief of the tribe. For them chastity of a woman is

very important. If any woman is found to be having an illicit relationship outside the tribe, she will be either excommunicated or she is considered as dead. But the Malekudiyas of *Makkalakattu* are a little different from the Malekudiyas of *Aliyakattu*. They invite a priest for conducting any celebration. If a woman of their group is involved in an illicit relationship, they help her to make a living. They will see that the relationship does not lead to disputes. There are few other marked differences between *Aliyakattu* and *Makkalakattu*. Among them relationship is not very cordial. Once in a while, *Aliyakattu* people marry a girl from the *Makkalakattu*, but are not prepared to give out their girls in marriage to *makkalakattu* families. The malekudiyas who follow the *Makkalakattu* is very close to the civilized world and they speak Kannada, and the *Aliyakattu* people speak old Tulu. Sometimes, their Tulu is unintelligible to the Tulu-speaking people of other castes. But recently, both groups are trying to unite in various ways to keep up with time.²³

The chief of the tribe, who is selected by the tribe, settles quarrels, disputes and conducts judicial proceedings among the Malekudiyas. He is aware of all the difficulties and joys of the tribe and has the responsibilities of consoling the afflicted; identifying the right and wrong of all. His consent is strictly required for any outsider to enter the tribe. No transactions of the tribe can take place without his permission. Marriage proposals, both birth and death related rituals, disputes related to illicit relationships, land disputes, festivals of the tribe happen under his leadership. Every inhabitant of the tribe has to bow to the decision of the chief.

The chief has to act responsible and unbiased, as everyone of the tribe treats him with respect. Generally, the Malekudiyas are peace-loving people and they have staunch faith in what they believe. Falsehood, insincerity and quarrels generally spring up only when there is room for dispute. Most of the cases that appear before the chief are either land disputes or illicit relationships.

The judicial proceeding conducted in the presence of the chief and all the elders of the tribe. The guilty should confess to his guilt, and then place betel leaves and arecanut in front of the chief. The guilty has to apologize for his guilt in front of the whole assembly of the tribe if he is really wrong. Severe punishments are not found in Malekudiyas, however, in cases of illicit relationships, if a woman has illicit relationship with a man of

different caste, she has to move out of her tribe and live with her companion. A Malekudiya woman will be left in the lurch if she is deceived by that person.

Judiciary in Hasala community

Hasalas reside in the hilly regions of western ghats, which form the border areas of the undivided South Kanara, Chikkamagaluru, Shimoga districts²⁴. At present, they are populated in Kundapura, Kolluru, Siddapura, Madamakki, Kabbinala, Devarabavi, Hallihole, Baregundi and Karebailu areas of Udupi district. Though their mother tongue is Kannada, the Hasalas of Udupi and Chikkamagaluru districts can also speak Tulu²⁵. Hasalas live in *Haslarkeri* and caste panchayats play a major role in their judicial practices. *Gauda*, *Nayaka*, *Buddhivanta*, *Kolkara* are the heads of these panchayats. Though normally these posts are hereditary, at times they are elected. Hasala tribes used to have a *Hiriya* or *Yajamana* and *Kondikara*. A union of seven tribes was called “*Topukatte*” and *Gauda* is its chief. An elderly person was appointed for the post of *Kondikara*. It was the responsibility of the *Kondikara* to settle disputes through arbitration. For example, if an unmarried woman is involved in an illicit relationship and is found to be pregnant, penalty would be imposed and efforts would be made to get the pregnant woman married to the person, who was responsible for her pregnancy. However, if the marriage is not possible, the woman has to be excommunicated from the tribe.

If a married woman is involved in an illicit relationship and elopes with a man, she will be discarded by her husband. If her paramour resides in the village nearby or lives in the same tribe, an arbitration is held and a penalty is imposed on her. If the woman is not willing to be with her husband, she has to reimburse him, all the marriage expenses incurred by him. If it is her husband himself, who wants to discard her, he has to take her to her parents’ house and should narrate to them her misdemeanor. In a peculiar tradition, if anyone is beaten with sandals, he had to visit to the Heragalli Matha through a Daasayya (religious mendicant) and get the holy water sprinkled on him from the swami of the Matha. Infact the disputes of the society were resolved by the Matha also.²⁶

The Hasalas are working as slaves in the houses of the Havyaka Brahmins, Jains and Bunts of the undivided Dakshina Kannada²⁷. Recently some educated among the community have started arguing that the word Hasala should be removed as it is derogatory. They are trying for a change in the nomenclature as “*Billu Kshatriya*”. The

Hasalas feel that they should get respect socially and if details of their caste are published in a book, it will be an insult to their community.²⁸

Judiciary in Mundala community

The Mundala community is one of the most primitive communities of Tulunadu. Therefore, they would like to be called *Adidravidas*. They are mostly seen in open areas of the westcoast of Tulunadu such as Barkur in the north, up to Nileschwara in the South. As a matter of fact now a days the community does not have its presence in Nileschwara of Kerala. But they are in majority in Mogral, Puttur, Kumble, Manjeshwra of Kasaragod of Kerala State; Ullal, Talapadi, Arkula, Neerumarga, Bajpe, Gurupura, Panambur, Surathkal of Mangalore; and Udupi, Kaup, Malpe, Padubidri, Kundapura of Udupi district. They were working as slaves under the Jains, Bunts and other landlords of the region eventhough they were untouchables. It also seems that they were military leaders in the armies of the *guttu* houses and they fought wars for their land lords²⁹. Not only that, they were also employed as security guards by Jain kings, Bunts and Ballalas and *guttu* masters during the years of the past glory of Tulunadu for the protection of the lands under their ownership. It seems, Mundalas used to fight with staffs or strong sticks in the frontline, therefore, they got the name Mundala and it must have been continued till today.

Like all other tribes and traditional societies of Tulunadu, internal administrative and judicial systems existed among the Mundalas too. For example, if any person from their community falls in love with a man or woman belonging to the lower tribe, all the seven regional divisions of the entire community would meet and expel the offenders from the community. The leader of the community was called *Mukhari* and he used to control the whole colony. On occasions of marriage, death, funeral rites, and other functions, the decisions taken by him and it is respected by all. If a moral code of the community is hampered, initially they try to settle it at the village level. After that it was the turn of five united villages followed by *seeme* and *hobali*. It is a matter of great pride and respect for the chief or *Mukari* to wear the hand bangles with the golden or bronze shining on them and ostentatiously displaying them at functions. It is said that in the past, the right to appoint the chief (gurikara) vested with the master of *guttu* or beedu, where the appointees lived.³⁰

According to Mundalas' tradition widow remarriage is allowed and men and women were free to marry two or three women or men as the case maybe. Both husband and wife are free to divorce to each other, if they find each others' character unsatisfactory. However, in case of a wife, she has to reimburse the marriage expenses incurred by him towards *Vadhudakshine* or payment made in cash or kind to the family of the bride and travelling expenses etc. In spite of this, in the Mundala community *swagotra* or the same lineage marriages are prohibited. If such things happen, the couple would be expelled from the community. If they owned up their mistake and want to re-join the community, they need to undergo '*sudu suddha*'. The expenses in connection with this rite have to be borne by the guilty persons or their relatives.

Judiciary in Bakuda or Battada community

In Tulunadu Bakuda or Battada community is identified as *Aipattukuladavaru* or the people of fifty families. Because, they are divided into as many as fifty families or *balis* or clans. These *balis* are said to be named after the deceased female ancestors and they follow *aliya santhana* tradition of the Tuluva people. Generally they are seen in Kasaragod, Manjeshwara, Mangalpadi, Bantwal, Mogral and Puttur regions of Tulunadu. Agriculture was their original occupation and they also worked as labourers under the Bunts and Jain ballalas. Besides that, during the rule of the Jain Kings, they served as army generals. Infact, the families of some of them also exist in Mangalore, Attavara, and Ullal of Tulunadu. The chief of their clannish society was called *Mukari*, *Jamana* and *Bondari*³¹. They not only believe in the *bhutas* like Guliga, Dharmadaiva and Kallurti but also they conduct Kola for *the Kuladaiva* and other *bhutas* once in a year. In addition to the caste daiva each family worships a unique daiva called *Kuttuchittari*. Regarding their societal morality the Bakudas are more strict about their sexual relations and pre-marital sex is a taboo in their community. Same *bali* or *gotra* marriage is not allowed among the Bakudas, and if the guilty pair belong to the same bali, they are ostracized from the caste. In case of inter caste marriages, to re-join the community, they have to undergo *sudu suddha* or *Yelu halli suddha* as is done in Koraga and Mundala communities.

Judiciary in Kudubi community

Kudubis of Tulunadu are a community that had once been recognized as a tribe, but today they are denied this status. In spite of this they still retain their primitive culture³².

Scholars opine that there are different inter-groups among the Kudubis of Tulunadu such as *Goa Kudubis*, *Kodiyala Kudubis*, *Are Kudubis*, *Jogi Kudubis* and *Kumri Kudubis*. Each section is further divided into wargas or exogamous sects, such as, Ambalker, Dondikar, Savant and so on. While noticing these inter-groups, it seems that the same inter-group has been recognized differently at different places and on different occasions. Actually, there are not so many inter-groups. This classification is made based on their occupation, place of living, the way they have opened up to modernity. In the above list, *Goa Kudubi*, *Kadire Kudubi* and *Kumri Kudubis* appear to belong to the same group³³.

As mentioned above the Kudubis in Tulunadu may be mainly classified as *Goa Kudubis*, *Kodiyala Kudubis* and *Jogi Kudubis*. Among these inter-groups, the *Goa Kudubis* are highly orthodox and are still depending on their ancestral occupation. The prominent places where *Goa Kudubis* are seen in Tulunadu are Kokkarne, Sural, Olabail, Kottambail, Moorumakki, Shiriyara, Mandarthi, Avarse, Mudduru of Udupi Taluk; and Haladi, Amavasyebail, Kakkunje, Vandaru, Hosangadi, Amparu, Kamalashile, Alpadi, Belve, Shedimane, Hengavalli, Hakladi, Haladi, Goliyangadi, Hallihole, and Jadkal etc., of Kundapura Taluk.

The *Goa Kudubis* practice patriarchal family system and the clan or *bali* is carried forward to father-mother-son. They have a total of 36 clans or *balis*. *Tulasi Katte* (the altar bearing a holy basil plant) has a prominent place in the religious affairs of the Kudubis. This *Tulsi Katte* is always in front of the house of the head of family. This helps in identifying the ancestral home of the family. *Tusli Katte* or the ancestral home is the place, where all the members of a Kudubi family assemble.

The judicial system of the *Goa Kudubis* is unique. The family-level disputes get resolved by the head of the family. But, if the justice sought is related to the tribe as a whole, the dispute has to be resolved in the presence of three *Gurus* (spiritual leaders). For the disputes of this nature in and around Udupi, the *gurus* from Thalakka, Hesaruguppa and Padubettu call an arbitration meeting at Arekal of Nechar village of Udupi Taluk. The three *gurus* will sit on a rock for this purpose. These *gurus* are none other than the masters of the *Goa Kudubis* of this region. Since the Kudubis do not have any *Matha*, the arbitration process is not represented by any religious representative.

Usually, *Nyaya Panchayat* (arbitration meeting) is called to resolve disputes relating to inter-clanish quarrels, Holi festival-related disputes, illicit relationships, immoral

relationship resulting in pregnancy and religious matters of the *Goa Kudubis*. Generally verdicts are in the form boycotting or excommunication from the community. For example, if a woman becomes pregnant due to an illicit relationship, both man and woman concerned are ostracized from the community. Besides that, if hair cuts of men go against their tradition would also attract penalty from the community head. The person would be warned not to have their hair cut repeatedly. Moreover, if a widow becomes pregnant, she would be excommunicated but they have the right to re-marry. Though these remarried woman would not have the status of other women of the community but there is no restriction for children of the widows in the society³⁴.

Judiciary in Mansa community

Official records, to indicate the tribal origin of this community are very few. However, the '*Manasar*' is the common name by which the communities belonging to scheduled caste and tribes were called collectively in some villages and regions of Tulunadu since ancient times. This community is also called *dikkanakulu* in Tulu and *holeyaru* in Kannada.³⁵ In most of the regions of Tulunadu they are called "*Manser*" by Bunts and other communities. In fact, *Manser* is a scheduled tribe that has been exploited, which has served the upper castes as slaves for hundreds of years and were looked down upon by these upper caste people³⁶. Though Edgar Thurston, who made an extensive study of the scheduled castes and tribes and wrote about every caste, there is no reference about *Mansa* community anywhere in his writings. It must have come as a practice for the Bunts and Jain families of Tulunadu to address their servants collectively as '*Mansas*'.³⁷

Mansas follow community living system and the features of the matriarchal family system are noticeable in their life style. Though the father and mother have the same status in the family but, they identify the children from the mother's *bali* or clan. Ofcourse, the father is the head of the family, but the maternal uncle gets the most prominent position in all familial ceremonies. The chief of the community is called '*Kalala*'. He has to attend and monitor the auspicious functions in the community. It is his responsibility to offer prayers to the deceased elders and the *daivas*. Therefore, he is called '*Manjada Kapada*'. '*Manja*' symbolizes the emotional belief. The person who carries forward the beliefs and practices of the Mansa tribe is its head and he is called '*Kapada*'. In situations of adversity *Kapada* stands before *Manja* with folded hands and

narrates his problems. The head-man (*gurikara*) of the community has a predominant position in internal administration of the Mansas.

Judiciary in Jogi community

Jogi community live in Shimoga, Dakshina Kannada, Bellary, Dharawad, Mandya districts of Karnataka State in large numbers. They are not tribals. The Jogis living in coastal Karnataka speak Tulu. Jogis have many divisions and these divisions have further sub-divisions. Jogis call this division '*Vallu*'. This *Vallu* corresponds to the '*bali*' of other matrilineal communities of Tulu Nadu. Marriage under the same *vallu* is prohibited and usually the boy marries the daughter of his father's sister or sister's daughter. Similarly, they also marry the daughter of their maternal uncle. None the less recently, this trend is reducing gradually. Moreover, they believe in the same caste marriage and they do not encourage inter-caste marriages. Though the practice of re-marriage is allowed among the Jogis, but it is restricted to men only. But these marriages are not conducted in the usual '*dhaare*' custom. Instead, of that they conduct *Koodavali* according to which, the elders of both sides assemble and holding the hands of the man and the woman concerned, have them touch each other's and let the hands off.³⁸

Purushottama Bilimale discusses about the internal administration among Jogi community. Jogis have an internal administrative system parallel to the modern law. Though they have accepted the modern administrative system of India, they have not completely given up rules and regulations of their internal administration³⁹. There are many mathas in the top level of their internal administration. They show their allegiance to some Lingayat Mathas like Kadri Matha and Adi Chunchanagiri Matha. The representatives of these Mathas collect money from Jogis. Besides this, Jogis have to pay specified fees to the *gurumatha* on the occasion of every marriage. Besides the representatives of the Mathas, there is a '*master*' (Yajamana) to look after the welfare of the people of some particular villages. He plays the role of a judge as far as Jogis are concerned. He has the right to excommunicate any Jogi. If a person of the Jogi community wishes to join a different caste, the master collects money from that person on behalf of the Gurumatha and oversees that conversion.

There are many '*buddhivanta*'s under the *master* (Yajamana), appointed by him to play his role in his absence. Besides, they do the works assigned by the Yajamana. These works include collection of money for the Gurumatha, settling the internal squabbles of

Jogis. Whenever they fail to handle this, they entrust this to the Yajamana or the *master*. With the consent of the Yajamana, *buddhivantas* can appoint a few persons as '*kolkara*'s as their assistants. Besides these appointees, there are some '*bhandaris*' directly appointed by the Matha. It is the work of the *bhandaris* to pass the *vibhuti* (holy ash for body-smearing) to the people for purification. If someone commits a misdeed, the *bhandaris* presence is required to purify him. The *bhandari* himself applies *vibhuti* to the forehead of the guilty. These rights descend hereditarily. But if the people desire, the appointees can be changed. To put it in a nutshell, the hierarchy in the internal administration of Jogis is, *The gurumatha-yajamana-buddhivanta-kolkara-people*.

The internal administration of Jogis is effective and they seldom approach modern courts. However, the situation is changing now. Some models of their penalty systems are as follows⁴⁰:

- If a member of Jogi community abuses or physically injures another Jogi, the offender has to pay rupees 15-20 as penalty.
- If a married woman stays one night outside her house, she has to pay a fine of rupees 5/-.
- The man in an illicit relationship has to pay a fine of rupees 35/-.
- A person, who keeps a girl for sexual pleasure has to pay a fine of rupees 100/-
- If a person expelled from the community wants to return to the community he or she has to pay a fine of rupee 5/-.

Even though nowadays this has lost importance, none the less this order is similar and parallel to the internal administrations of different tribes.

Judiciary in Maila community

Mailas live in some villages of Belthangadi, Puttur and Sullia of Tulunadu. They are recognized as scheduled caste in government records and their cast is considered the lowest in the strata of Indian caste society. There are three divisions among Mailas – that is, *Maleyali Mailas*, *Tulu Mailas* and *Kaje Mailas*. Internally, they are divided into several '*balis*' and there are about eight to eighteen *balis* among the Mailas⁴¹. One's *bali* is the decisive factor during marriages and during the '*dhare*' ritual, the '*bari*' or *bali* of

the bride and the bridegroom is announced in a loud and high-pitched voice. If a person of other caste joins Maila caste, then the *bari* or *bali* of that person is changed to the *bari* of the maila caste. The caste of the maila, who admits him into his caste also applies to the new person. Awarding *bari* or *bali* takes place in front of 'Moondikere', the community leader of the Mailas.

Sometimes Maila youth simply elope with a girl they like in the community and after some days return as married couple. In such cases, after discussion with elders, the couple have to give one 'mudi' or forty two kilograms of rice and one big pig as a penalty. After this, elders forgive them and conduct their *koodavali*. Here, the bridegroom's party has to give a saree to the bride. Usually, they also do *koodavali* with the younger sister of the wife. Among them widows have a right to re-marry and they can marry either the brother of his deceased husband or anyone else. In fact, there is provision for divorce among Mailas. If the wife desires divorce, it will be granted only after she reimburses the marriage expenses to her husband. Once married, she cannot re-marry unless and until she withdraws the right concerning the existing marriage.

The community daiva worship house of the Mailas is called *Ain mane*. This *Ain Mane* resembles the Taravadu house of the Nair community of Kerala. The leadership of the *Ain mane* is acquired by Maila men on the basis of age. The most experienced and senior used to be the head of his house and he is called *Mukarve* or *Mukari*. For all the celebrations of the family, he has to organize the people of the community. In certain circumstances, all family members together had the right to replace their *Mukari*. For this, the consent of all family members is required. Besides this, another person is appointed for assisting *Mukarve* and he is called *Moondikere*. *Moondikere* follows *Mukarve*'s instructions, and also does *Mukarve*'s work in his absence. They suggest solutions to familial problems and settle disputes among the Mailas. *Mukarve* has to be present on the occasions of social celebrations like birth, death, and marriage and so on. As a matter of fact all the members of the family hold *Mukarve* and *Moondikere* in high esteem.

Judiciary in Marathi community

Marathis select their head man "*Ghontkar*" from within the tribe. Usually, in every village, there are about 3 to 4 assistant *gurikaras* to assist this *Ghontkar*. He has the special status in the community functions and he has to be consulted before holding any

programme in the tribe. It is very important to note that, there is a custom to invite him with the offer of betel leaves on a plate. In the absence of the *gurikara*, assistant *gurikaras* have to discharge his duties. Besides this the wife of the *gurikara* also has position of respect in the Marathi community. She has an important role to play at ceremonies related to marriage, *seemanta* (a rite performed at the first pregnancy), and the ritual for attaining menstruation cycle⁴². If the *gurikara* is neglected, ceremonies like marriage cannot be conducted smoothly. Usually, the *gurikara* is selected unanimously by all the people of the community and generally this responsibility descends hereditarily.⁴³

As a matter of fact, the *gurikara* has some more additional responsibilities on the occasion of religious celebrations and marriages. He plays an important role right from the engagement function to conducting marriage and giving away the bride to the care of the family of bridegroom. If some problem arises because of a misunderstanding at *veelya sastra* (betel leaves offering ceremony) or at the time of solemnization of marriage, the *gurikara* resolves the problem. He also announces the details like *kula*, *gotra* and *pravara* (clan and lineage etc.) , before the people assembled on the occasion of *veelya shastra*, *dhare seve* and so on.

The *gurikara*, assumes an important role in settling issues like quarrels scuffles, thefts, problems related to inter-caste marriage, violation of community rules by the community people. When there are family-related disputes, the *gurikara* calls a meeting generally at the ancestral house of the family and tries to resolve the dispute thorough arbitration. The guilty has to own up their guilt in accordance with the suggestions by the *gurikara* and other senior persons⁴⁴. Besides the *gurikara* is also invited when *Gondhulu* worship, *Bhairava* worship and *Tambila* or Kola to Kallurti *bhuta* are conducted. So the *gurikara* plays an active role in the religious functions also. The *gurikara* also acts as a mediator between the community and the *bhuta* impersonator.

Judiciary in Gowda community

Gowda community is one of the important communities of Tulunadu, but they are not tribals. Though they are not tribals it is appropriate to bring them here for discussing their traditional judiciary practice. Among the Gowda community of Tulunadu, '*Katte houses*' are very important. They are related to power, authority and play an important role in the judicial matters of the community. These houses are built on the pattern of a

royal palace. Judicial authority in community administration belongs to the most senior person of the community. He is called *Pattedara* by all the members of the family. The house in which *pattedara* lives is called *Ain house* or 'Moolamane' (ancestral house) where, the family *daiva* dwells⁴⁵. In their ancestral house there is an *Umbolage*, i.e., a common dining room over which all the members have a common right. This rice-cooking room has the magical power of binding hundreds of members of the family by a single thread. *Baade* is the meeting hall, where all the members of the family can sit to discuss matters. *Kayyale* is the veranda adjacent to *Baade*, where planks associated with the administration of justice placed in front of the palace *verandah*. It also means the middle space between the *sit-out* and the corridor of the house. The *Aimara* or throne is kept here. *Pattedara* gives solutions to the problems of the family, sitting on the *Aimara* or throne⁴⁶.

If the family problems, cannot be solved within the ancestral house, it gets escalated to *OoruGowda* (head-man of the village). *Pattedara* has to contact *OoruGowda* through *buddhivanta*. If *Ooru Gowda* also fails to give solution, the case moves to the level of *Magane Gowda*. One *Maganegowda* is in charge of four to six *Oorugowdas*. *Maganegowdas* have to obey the commands of next level of authority known as *Kattemane Gowda*. In the judicial matters, *Kattemane Gowda* is the supreme authority. Nine *Magane Gowdas* come under his authority. Not only *Oorugowda* and *buddhivanta* receive social respect from their villagers, they also attend community marriages, festivals, *Bhuta kolas*.⁴⁷

Kattemane Gowda, who is supreme in the judicial system of the *Gowda* community, usually sits at the platform built around a peepal tree or in the *sit-out* in front of the *bhuta-sthana*. Prior information about this is communicated by the *Ugrani* or village peon. The process of judicial inquiry in the *Gowda* community happens as follows: When difference of opinion crops up between the brothers and they may want to sever their relationships. This will be facilitated through some rites on a special day. They have to stand facing each other in a river which has knee-deep water. Elder brother has to cut the betel leaf in his hand into two and set it afloat in the water and declare that they will have no relationship in future. After that both the brothers will cut the thread around their waists and walk in different directions and after that will return to their respective houses⁴⁸. Gradually the internal administrative system of the *Gowdas* got weakened and became completely inactive after India's independence.

In Mogaveera community *Grama sabhas*, *Samyukta Patnas*, *Hobalies*, Apex Body of Hobalies and so on play an important role in the judicial matters. In olden days the hereditary Gurikaras used to play major role in *Grama sabhas*. As a matter of fact *Grama Sabhas* used to play the role of court. Generally *Gurikaras* of *Grama Sabha* preside over the proceedings and they were assisted by senior members of the community. In the course written complaints and rejoinders by the complainant and defendant were taken on record before adjudicating the dispute. Normally they used to follow the methods of advisory and conciliatory nature in resolving the dispute. The major punishments imposed were allowing the culprit to apologise and prostrating before the *Grama Sabha*. In some cases offender was also asked to submit penalty to the village temple. Here the major objective of the settlement was to reform the offender and consoling the convicted. They also used to give severe punishments like excommunication from the village also. If the offender was not satisfied with the decision of the *Grama Sabha* he had the liberty to go to *Samyukta Sabha* and *Hobli*. The final court of justice was the *Kulaguru* or family priest at Bennekudru Temple and his judgement was final and ultimate. But now the system of *Gurikara* is not existent and has become ritualistic one. Now managing committee members managing the administration of *Grama Sabhas*.

In the Bhaira community, the leader plays an important role in settling the community disputes like theft, non-participation in rituals, familial disputes, illicit relations etc. He is called '*Mukri*'. On such occasions, *Mukri* assembles the community at a place called '*Marisabhe*'. The elders of the family come to *Marisabhe* and explain the nature of the case. The *mukri* listens to the case, sitting on a three-legged seat and the *Buddhivanta* explains the situation and nature of the case. The accused should stand before the assembly with the crossed hands and the bent head. Punishments are in the form of a fine or offering mari puje to Bhairava. If the accused does not accept the verdict of this type, he would be excommunicated from the community⁴⁹.

In the Nalike community, the *Gurikara* plays an important role during occasions like birth, marriage, death and so on. The *Gurikara* assumes the role of a priest performing rites relating to community. In the absence of the *Gurikara*, a senior person, if he is capable of performing these rites, assumes the role of the *Gurikara*.⁵⁰

Parallel thoughts in the Judiciary of various tribes of Karnataka and various communities of Tulunadu

The important tribes of Karnataka are Koragas, Koravas, Eravas, Hasalas, Iruligas, Jenu Kurubas, Kadu Kurubas, Malekudiyas, Soligas, Adavi Cenchas, Gondas, Irulas, Halakkis, Hakkipikkis, Illigas, Ageras, Myasa Bedas, Medas, Todavas and so on. Similarity and parallel thoughts are seen in the internal administration and judicial administration of most of these tribes of Karnataka. For example, the tribal headman of Koragas and Mailas are called *Mukari* or *Mukarve*, they call his assistant as *Moondikere*. In both the communities they had the right to adjudicate.

While looking at the judicial system of the tribes of Karnataka, one point to be noted is the ritual *Sudu Suddha* which was performed in most of the tribal groups. This ritual was performed to re-induct the ostracized people again into the community among the Koragas, and also to purify the girls, who were involved in illicit relationships. Similar practices are found in Bakuda and Korava community⁵¹, Sudugadu Siddha⁵² communities. But among the Sudugadu Siddhas, instead of seven huts only three would be built and set ablaze, and the guilty had to pass through these burning huts. The belief was that the guilty becomes purified when they pass through the fire and cow-urine or the turmeric water is sprinkled on their body. It is also believed that by passing through the fire, their sin would be destroyed for generations, equivalent to the number of huts passed through. The point to be noted here is that, this ritual was carried out to purify defiled woman bodies, the same customary was not applicable to men responsible for her adulteration. So we can observe the domination of male in the traditional judiciary.

Another parallel feature seen in the tribal judicial practice is the performance of “*divya*”⁵³ or ordeal. For example, among Koravas, before re-admitting the outcastes into the community, the tongue of the outcaste has to be burn marked with a hot golden plate. Another ‘*divya*’ with them was to make the guilty to take out a coin from the boiling oil⁵⁴. In the tribal community of Adavichencha⁵⁵, the guilty had to stay immersed in water until a strong man runs and returns covering a distance a pebble would fall when catapulted⁵⁶. Another ‘*divya*’ practiced in this community to prove innocence was to take out a coin by hand from the boiling oil in a new pot. The hand of the person who had sunk it into the boiling oil would be rubbed against the sand after three days. Then, if the burnt wound appeared and skin comes off the finger and blood oozed from it, it was

taken to be confirmation of that person's guilt and a penalty would be collected from him or her⁵⁷.

Yet another stance of the tribal community of Karnataka was unacceptance of relationship with the lower caste people. Sudugadu Siddhas would impose penalty if someone from the community was found to have had food at a lower caste home. They are considered as outcastes and their tongues would be heat marked with a gold piece before getting re-admitted to the community⁵⁸. If a woman was found involved in illicit relationship with someone from other caste, she had to cut ties with her tribe. If a woman was found to be having illicit relationship with a Muslim, she had to subject herself to beatings with sandals. If a Korava man was found to be having illicit relationship with a widow, he had to be excommunicated. His hair and moustache had to be shaven and he was paraded on a donkey with a garland made of bones around his neck.⁵⁹

In the Erava community⁶⁰, if an Erava girl marries inter-caste, she would be fined and subjected to many kinds of insult. Erava women and men would queue up and while men pierced him with a bamboo stick, the women would spit on him with chewed pan and hit him with their betel leaf-areca nut sachet⁶¹. In the Illiga tribal community⁶² severe punishment was meted out for the immoral acts involving adultery⁶³. Adavichenchas believed that if adultery was committed, there would be no smooth delivery. If a new born falls sick, they will claim that either the father or the mother must have committed adultery⁶⁴. In the Hakkipikki community⁶⁵, a fine would be imposed on a man involved in incest relationships. Besides, to readmit their woman caught in such acts they need to get purified by smearing their head with cow dung in front of their God during festival celebrations that happen once in 10-20 years⁶⁶. In the Myasabeda tribal community⁶⁷, if a woman marries an upper caste man, she is not fined. However, if she married a lower caste man, she would be excommunicated.⁶⁸ In the Koraga community, while an adulterous woman is purified through '*sudu sudda*' practice, the man would be beaten with sticks while this purification process is on. Among Hasalas, if a married woman is found to be involved in an illicit relationship, she would be rejected by her husband and expelled from the tribe. In the Bakuda community too, marriage with low caste people is not allowed. Another important similarity among the judicial practice of tribes is the arranging of a lavish feast. The whole responsibility of hosting this feast had to be borne by the culprit after his eviction

Besides, imposing a fine is seen usually in all tribal communities. In this regard, in the tribal communities found in other parts of Karnataka and Tulunadu, parallel thoughts could be noticed. But in these days, all the features mentioned above have lost their importance. The influence of caste system, deforestation, urbanization, the programmes introduced on the pretext of development, modernization and so on, have impacted the social, cultural, and economic life of the tribal societies. Today marriage methods, family system, food habit, dressing style, occupation, religious features of the tribes etc. are losing tribal identity. Tribes are caught in the modern wave of transformation. Today, the tribal people no longer remain as the tribes of past, but have started imitating the social features of caste system. Though the process may seem negative viewed with the prism of progress, in identity point of view, religions, arts and culture of the tribal groups should be retained at least to the minimum.

Tribes in conflict between Tradition and Modernity

The tribals all over the world are losing their distinct identities and rich cultural heritage. Contact with non-tribals, deforestation and evacuation of tribals from forest, their ancestral land, are the important factors responsible for this loss. Indian tribes have been experiencing social, political, economic and cultural deficiencies since a long time. Because they retained their cultural separatism from ancient times, they were subjected to exploitation by other communities. After the advent of industrialisation, they were made to work as slaves for many years. The rapid modernization and industrialization narrowed down the forest land of the nation. This affected adversely the means of livelihood of the tribal people. Rehabilitation and capital reinvestment projects displaced them from the forest to the open land which destroyed their separate entity.

No tribe completely remains in its original form and it is not possible to remain so. Indian tribes or the tribes of Karnataka or Tulunadu have been transformed culturally in one or another way. In the context of multi-lingual culture transformation is a unique change. With the gaining of colonial experience regional languages got power. Mysterious languages of lower castes, tribes and nomads came to light. Through this, in India as a whole the linguistic world of the discarded communities got unveiled. These unrefined languages got themselves introduced to the modern world. This is one of the bases but above this, socially, to the entire tribal and dalit communities, one linguistic form opened up. In the multi-linguistic India, these languages which could not be voiced

before got an opportunity to speak. This linguistic transformation was not only the compendium of the literature of their languages but it was also awakening of their emotional world. Most of all the tribes, if not all, have been subjected to this type of linguistic transformation. The language of the nomads can be looked at against this background. In the history of the tribes of the last one century many changes in the annual religious rites can be found.

Many tribes have been transformed in principle. Leaving the forest, they have come to the villages. Some have been transformed as nomads and castes. Some of the ancient tribes have vanished. Some have moved into towns and grown as a new community. Yet some have looked analytically the theoretical foundation of the world they had believed in and because of this, have taken shelter under new beliefs and religions. This means they have changed their principles shaped by their conditional experience into the sensibilities of the modern age. This is not only the transformation of their social environment of principles, but also the transformation of their mythologies and practices. Theoretically transformed, they have opened up channels of communication with the modern culture. But despite all these visible transformations, in the depth of their being, they have not rubbed out completely their own ancient forms in whatever city it be, even in the midst of technical innovation the tribes have retained their indelible sensibilities of their respective castes.

Besides, as a result of having been subjected to the modern education system, the low castes and tribal people have a new awakening. Remembering their rights, they have taken to the path of confrontation. Education has provided the neglected and rejected societies with huge strength and filled them with confidence. It has paved way to break, overcome, transform and to counter-create. Though transformation to education may give rise to possibilities of their moving away from their own culture, it has to be carefully considered positively in their path to development. The tribes that are subjected to educational transformation have found their independent existence. Another important fact is that every race, culture, language and history that is subjected to a state of negligence transforms its own tradition very subtly in self-context and in awareness of necessity. It is because of acting like this that these communities, tribes and castes have been able to retain their identities against the onslaught of modernity and globalization. They do not open up to the outside world so easily. Its cultural mind is very subtle,

complex and environment-centred. But in recent times as they are increasingly having inter face with the rulers, the tribes are getting over their isolation.

Modernization is a tool created by culture. In the test of transformation of culture, all acts like modernizing ,are like the culture that causes the growth of the respective community itself. The tribes that have woken up to the cautions to be taken note of in the wake of modernization are more reformed. Tribes all over the world have changed through the modernization to such an extent that they tend to forget the memory of their original tribe and its form. In the last 100-150 years, tribes have been subjected to many types of economic transformation. Their failure to connect modernity to tradition has subjected them to a peculiar type of economic disparity. The last years of the 20th century have seen many projects undertaken for the welfare of tribal societies. Theoretically, tribes are becoming nomads and indefinite wage earning labourers. With the least wage tribes are becoming economically dependent in the midst of many economic crises.

The cultural transformation of tribes is a little different from that of the other low communities. The cultural mind of the tribes is very subtle and complex and does not connect with the outside world all that easily. They tend to subject themselves to cultural transformation very cautiously and slowly. There are many differences between the cultural ways of the forest and that of the city. Hence, the transformations do not take place easily between the traditional world of the tribes and the modern world of the civilized. Their traditions of values are developed in such a way that had to reject each other's value system. In the context of two separate identities of looking at the city in the perspective of forest and vice versa, the tribes have been subjected to cultural transformation of a complex nature.

Religion-ordained traditional and parallel judiciary

Temples and Daivasthanas (shrines of daivas) are the symbols of devotion and loyalty. Since time immemorial, there is a practice to live in an ideal manner, to earn judiciously and to give away a portion of the earnings to the society to construct religious centres like temples and daivasthanas. The inscriptions and literary works and legends available at different parts of Karnataka reiterate this. Temples also act as social cultural centres of the community. According to Chidananda Murthy, people looked upon temple as a sacred place and the statues and images of god as a symbol of divinity and living example of divine power and representation. People believe that the divine power

protects them. He discusses about revelations and divine sight comprehensively. In his book, *Kannada Sasanagala Samskrithika Adhyayana* (Mysore, 1979), he has deliberated on the role of temples in ancient times. On the basis of inscriptions, he explains that the administration of justice is being carried out in the temple and it also contains information on the arbitration done by people like heads of the village and merchants. Gurumurthy K.J in his, *Janapada Samaja Mattu Samskrithi* (Dharwar, 1979), discusses about the administration of justice carried out at the level of family and temples.

In Tulunadu, religion-ordained traditional and parallel judicial system in temples was playing an important role much before the modern judicial system arrived. The religious centres were powerful in this regard from early times in the history of Tulunadu. These served as venues of ethno-religious identity constructed by exercising specific forms of domination, control and constructive influence on its adherents. The priestly class used to exercise considerable dominance over its adherents as well as others who came within the milieu of its influence. Through religious discourses and practices and forms of religious training and forms of disciplining, the priests presented themselves as superior identities among the believers. As mentioned in the previous pages in a traditional Tuluva village society one can observe a peculiar site of governance. As discussed earlier the village inhabitants accept the power in the *guttu*, *magane*, *seeme* level of governance. These set ups were responsible for the overall maintenance of law and order. At the village level the governance was in the hands of either Bunt lineage or Jain or Brahmin. The *gurikara* system was also retained by christians of the region in a new form i.e., a parish is divided into wardos or wards and a *gurikar* was appointed for each wardo, who together form the parish council. All these governance structures are suggestive of the existence of a workable system.

The implementation of the modern judicial system did not destroy this parallel system completely. To this day, this traditional judicial system is functioning parallel with the modern judicial system. Among these traditional systems, the most important are temples, daivasthanas, *bhutas* of Tulunadu and the contexts of the *bhuta*-worship, arbitration by the elders of the village etc.

In a way, temple is also a law court. This can be viewed by two angles. The first is, the oral commitments that need to be followed. The second is, the allegations of guilt of a person would get concluded decisively at the temple. References in the inscription of

Kuruvatti of Karnataka is a good example for the first instance⁶⁹. According to this, a Manya by name Boppayya becomes wicked, and he loots a town named Holalu and kills many Brahmins. The people of the area, complain to the king. The king after hearing, issues orders that the land in question should not belong to Manya any longer. When the Prime Minister sent a letter to Bopayya and told him that it would not be possible for him or his descendants to continue as Manya of Holalu, he admits to his guilt and submits his letter of oath and to ratify his breach of commitment, drinks water from the holy lake of Lord Tripurantaka. Thereafter, he erects stones with the inscription of this episode at several places.

“*Divya*” or ordeal of God is important among the ancient methods of establishing justice. When there was no human evidence, people used to surrender before the God⁷⁰. The original meaning of ordeal is *verdict*. It can also be termed as God’s judgement. This tradition has been in force almost all over the world since thousands of years. As a matter of fact, in deciding crimes, “*Divya*” is not the first step. It is the last one. This was practiced particularly among the African and Teutonic races and also in India.

In India, *divya* has been recognized by Smritis and law books. There are many procedures for a *divya*. There is no uniform opinion on to whom, which *divya* and at what time to be held and cautions to be taken while conducting a *divya*⁷¹. In the past, a *divya* was used only in disputes relating to land and where the prestige of a caste is harmed. Though now *divya* seems to be an uncivilized practice, it was a natural and shastra-ordained practice in the past⁷². The judge conducting a *divya* and the “*shodhya*” or the accused to be subjected to the *divya*, should fast the previous day and should appear in wet clothes after taking bath on his judgment day. After worshipping God, the judge should invoke the deity to possess him. There are so many details regarding the methods of worship as well as invocations for the ‘possession’. After these are finished, *divya* would be conducted.

There are differences of opinion among the Smritis regarding even the number of *divyas*. In the Manu dharmashastra, two *divyas*, like., *Agnidivya* and *Jaladivya* are mentioned⁷³. Yajnavalkya mentions five, Narada seven and Brihaspati and others mention nine.⁷⁴ In kannada inscriptions *Kosha*, *Ravi*, *Tandula*, *Agni*, *Taptamasha*, *Jala* and *Visha* *divyas* are mentioned.⁷⁵ P.V.Kane mentions six *divyas*. They are *Kosha*, *Tandula*, *Agni*, *Taptamasha*, *Jala* and *Visha*⁷⁶.

In '*Kosha divya*, the *shodhya*, after worshiping deities like Rudra, Durga and other Gods should wash the idols of these deities in water. After that, in accordance with the instruction by the *Nyayadhipati* (the judge), he should recite the mantra "*Satyena Maabhiraksha*" and should drink the three handfuls of water that was used to wash the idol. After this, within fourteen days, if the *shodhya* does not face any physical problems, he would be treated as innocent. If he or she faces any problem, they would be considered guilty and deserving punishment. This *divya* is the most gentle.

In "*Tandula divya*, the rice should be separated from paddy. A pot should be filled with this rice and after pouring the water used for washing the idol of the Sun God into it, the pot should be placed under the sunshine. The next day, the *shodhya* should devour that rice and spit it on a leaf. If the drops of blood fall with the spit, he is guilty and other wise he is not considered guilty.

In "*Agni divya*, nine circles are drawn from west to east. Facing west, the *shodhya* should stand inside the first circle. Seven fig-leaves should be placed on his hands and on these leaves he should hold a red hot iron ball and should cross the next six circles and standing inside the eighth circle, he should drop the ball in his hand to the ninth circle. He would be considered not innocent if, in the process, the signs of burns appear on his hands.

In *Taptamasha divya*, a thoroughly washed golden ring should be dropped into the boiling ghee. The *shodhya* should take the ring out from the boiling ghee. He would be considered innocent if there are no signs of burns on his hand.

"*Jala divya* is a little complicated. A festoon should be tied on the banks of a river. A pole should be erected in thigh-high water and a strong man should stand near that pole. The *shodhya* stands near this strong man. After all, the rituals, an archer, standing near the festoon hurls three arrows toward the earth. A youth running fast stands on the spot where the second arrow has fallen. After that the *nyayadhipati* claps three times. Exactly at the time of the third clapping, the *shodhya* should get drown in the water holding the thigh of the man near him. At that moment, another speedster runs from the spot of the festoon towards the sport where the second arrow has fallen. As soon as he reaches the spot, the first man, still standing there, starts running toward the festoon. If the *shodhya* comes out of the water before the second man reaches the festoon, the *shodhya* will be considered guilty; otherwise, he is considered innocent.

In *Vishadivya*, ghee would be mixed with poison measuring thirty times of the quantity of the ghee, which the *shodhya* would be made to drink. He will be considered guilty, if the next day if the poison affects are visible in him; otherwise, he is considered innocent.

There are still more *divyas*. Important among them is the one in which a ring and alive serpent are put into an earthen pot and the *shodhya* is made to take the ring out of the pot. Kulashekhar Alvar, who lived before ninth and tenth century A.D., was said to have won this ordeal of putting the hand into the pot containing a poisonous serpent to disprove the accusation of theft on him. Though himself a King, he performed this *divya* as a *shodhya*⁷⁷.

In the matter of *divyas*, epigraphic sources are more reliable than the literary sources. An inscription of 1079 A.D. mentions in the temple dedicated to Kalipurusha, seven *divyas* prevail and the money from these *divyas* should be spent for religious works⁷⁸. Another inscription of 1158 A.D. refers that seven *divyas* used to be conducted in the Parameshwara temple of Talagunda and the money collected from there should be spent for worship and other activities of the temple.⁷⁹

In Karnataka, *divyas* were usually held in temples and in the presence of Brahmins. There were many temples famous for *divyas* and that includes the Pranaveshwara temple of Talagunda, Divya Lingeshwara temple of Haradanahalli and so on. When it was felt that the disputes could only be resolved through *divyas*, people came to these temples from far off places. The temple authorities, who conducted *divyas*, collected money from the persons concerned and credited it to the treasury of the temple. *Divyas* were the main cause for increasing the income of a temple. This way, temples were courts, where God Himself was the Judge⁸⁰. N. Jayaraj in his unpublished thesis *State and Society in pre-colonial Southcanara* (2012) mentions few *divyas* prevalent in Tulunadu. According to him, the procedure which takes place in Mulki Venkatramana Temple is as follows; the person who is offended would come in wet cloths and will stand before the God and is permitted to put forward his point of view. Then he would squeeze the wet cloths tied to the head and he has to squeeze it three times and it is believed that it is a terrible and rigorous form of swearing or taking an oath. The Koddabbu *paddana* also make reference to the several *divyas* undertaken by Kachchura Maldi.

As mentioned in the earlier pages during ancient periods, temple was both religious as well as a social institution. Religion, in essence, paves way for the uplift of a person or

for his *moksha* (deliverance). Because, after all, it is the person who gets *moksha*, and not the society he lives in. People come together in the name of religion and get united in the name of *dharma*. As a result helping nature is kindled in the society. A rich person may be a miser in his home, but his generosity is kindled in a meeting or gathering in which thousands of people participate. Inexplicable sense of devotion towards temple and God is there in the blood of the people. It is difficult to make the people give up this devotion. Besides, religion places before the people a world dependent solely on the devotion of the people without any direct evidence. If the people believing in this world do not get together frequently to renew their faith, they may lose faith in that world, and consequently, in *dharma*.⁸¹

Temples are our social and religious centres and belief, faith and devotion are all important there. Temples are the centres of worship of the power which runs this world in a definite form, its formation and its processes. Because life is led on the basis of faith. For the removal of afflictions in their daily life, people visit to temples and the prayers offered there yield results. It is rightly said that *prayers do not go unanswered*. It is a natural instinct in man to pray God when encountered with difficulties. Devotion to God or fear of God is necessary in one's life to lead a disciplined and systematic life. The belief that the deviation from the right path leads to sin, helping others and serving the weak may please the Lord, makes one's life systematic. Sometimes it is the fear of the law that deters a person from committing mistakes and compels him to develop purity in his personality, but it is the spirituality and fear of God that help in the development of his personality, refinement of his works and speech, and good culture.

Temples and the shrines of *daivas* are very helpful to a great extent for the order and welfare of the society. Fear of God may be the reason for people not indulging in duplicity, deceit, lying, stealing and so on. Even if these things are committed, people fear things avowing before the *daivas*. Sometimes when person are possessed of the *daivas*, there will be situations when the possessed person tells the truth that he made a mistake. As a result even the brave-hearted person loses his courage and confidence. In a court of law, similar guilt may not be proved, the wrong doer may escape punishment. But in the court of God, everything will be decided once for all. Since the belief that no one can escape God's justice prevails in society, wrongs will not be repeatedly committed. Therefore, even today it is very rare that crimes are committed by people of spiritual bent of mind, since they have devotion, fear and love towards to God.

Another very important advantage that the society gets from temples is the *Assurance* or *Abhaya daana* that is a promise of granting fearlessness. Helpless, voiceless people, who have lost everything in life and their problems are not solved humanly, are in great need of *abhaya daana*. This gives them a new assurance. Temples being the centres of faith are also the sources of *abhaya daana*. As per government records, there are only two temples in our country which delivers justice like a law court. They are, Sri Manjunatha Swamy temple of Dharmasthala of Karnataka and Sakshi Gopala temple of Orissa⁸². In both these temples, civil cases of all people of the all faiths are decided. The verdict is applicable to both the parties of the case. Some examples of district courts sending some cases to the Dharmasthala temple and accepting the temple's verdict and thereby giving constitutional support are available in old records of Dharmasthala⁸³.

Hoilu system

As mentioned above, in the context of the discussion about traditional and parallel judicial systems of Tulunadu, the role played by some temples of this region assumes importance. For example, the '*hoilu*' system and avowing ritual practiced at Dharmasthala and other places can be cited here. Edward B. Harper, an American anthropologist, who has made an extensive study of South Asian and South Indian societies and has explained how a particular religious concept, called *hoilu*, is related to the social structure of a caste stratified village in south Karnataka, and how the expression of this belief changes as other aspects of the culture change. He also says that, *hoilu* is only one of several types of requests to the supernatural for aid and the other are 'vow' or *harake* and 'witch craft' or *sorcery*. A 'vow' is asking for a boon from deity; *sorcery* is asking a spirit to injure a person; and a *hoilu*, ideally conceived, is asking for justice from the supernatural⁸⁴. According to him, in a simplified form, the basis of a *hoilu* is that if a person feels cheated or feels that something has been taken from him by illegal or immoral means, he may ask for supernatural aid in recovering the lost property. A spirit does this by causing harm to the guilty party, and the punishment ceases only when the property is returned to the rightful owner. When this happens, the man who has given the *hoilu* renders payment to the spirit either in cash or by material. In village theory, any spirit or deity that is controlled by an individual can be directed to harm a guilty. In practice, there are several spirits who have a reputation for doing *hoilu* work and generally these are asked. The spirit never undertakes to punish wrongdoers on its own, but only when requested by the

person who influences it or through it speaks. This person is an intermediary, a shaman or priest, who enlists the aid of the spirit on his client's behalf⁸⁵.

Hoilus’, have a built-in mechanism which prevents a person from unjustly enlisting the aid of a god to harm a personal enemy; his is the ability of the god to determine who is right. The god will punish only the wrongdoer, even if this involves punishing the giver of the *hoilu* if his claim is false. *Hoilu* verdict, can be also called rural justice system or God's justice⁸⁶. Edward.B.Harper identified differences in the methods of giving *hoilu* to the Sanskritic god Manjunatha Swamy at Sri Kshetra Dharmasthala and of taking one to a *chaudi daiva* or village female deity in a village. Although occasionally someone may present his case to Dharmasthala in person, he usually writes a letter to the *hoilu* section of Dharmasthala, explaining the case. But giving of a *hoilu* to a *chaudi* or village female deity is always done publicly, in front of senior members of the village and never by writing⁸⁷. There is a considerable difference in the length of time that the Dharmsthala god and the village *chaudi* have used for *hoilus*. Dharmasthala is an elaborate and well established temple with an ancient tradition, and its god has asked to give *hoilu*'s for as long as anyone can remember. In Dharamasthala, Heggade is not a person, he is the representative of the *dharma devatas* as well as an established tradition. Practicing *dharma* is equal to his breath. There is no disparity between his word and deed. His prime aim is to follow true religion and virtuous deeds. The responsibility of maintaining ‘*chathurdaana*’ without an inch of refusal lies with him. Here the traditional belief is that *dharmadevatas* adopt Heggade and make him their representative to implement their commands and he has the responsibility of carrying on the commands of the *dharmadevates* being their representative⁸⁸.

Hoilu is one among the *Nyaya daana*'s offered by Sri Kshetra Dharmasthala since a long time. According to Prajna Ammembala, though it is a sort of private affair of an individual, it is not done in private like a religious vow or prayer. It is a complaint lodged publicly or the complaint lodged with God through the head of the managing committee. In this angle it has a sort of institutional form⁸⁹. When one feels that he has been deceived and it is not possible to get justice, he leaves the conclusion of justice and injustice to God and lodges a complaint to the God Manjunatha Swamy. After the *huyilu* or *hoilu* is lodged, the temple issues notice to both the parties and both the parties attend the kshethra without fail. For example, if there is a dispute over a piece of land and if one of the parties approaches the temple with the grievance, he is directed to the *hoilu*

section. He will be asked to produce all the relevant documents. A notice will be sent to the other party and the *hoilus* ' just verdict will have to be accepted by both parties.

The Principal *nalvikeyavaru*, priests, and Heggade facilitate the swearing ritual. Three *nalvikeyavaru*, who are known as Kotian Bantaru, Delampadithaya, and Kambali Bantaru, wear traditional attire during the ritual. Standing near the Dhvajasthambha or flag post in front of the sanctum sanctorum ,the *nalvikeyavaru* ask the both parties to speak truth. To which they say, *What I speak is truth and if I lie the may God curse me before speaking truth*. Dharmadhikari may attend the ritual only if required. Both parties should enter the temple with *vrathashudhi* (without having non-vegetarian food and alchohal, and after taking bath) to speak the truth. Both parties meet the *nalvikeyavaru* before spesking the truth and offer Rupees 11 into the hundi before testifying. Male complainant are expected to remove their shirts and vests if the wish to speak truth in front of the deity inside the temple. The temple authorities neither officially charge money for the ritual, nor issue a receipt for Rupees 11 given as offering. Heggade listens to the submission of both the parties in front of the God and gives his verdict in the matter. Both the parties agree to this conscientious verdict. It is the responsibility of the *Shanubhoga* (accountant) of the *hoilu* department to verify the *hoilu* when lodged and inform the respondents of it, duly recording the *hoilus* received and maintaining all correspondence.

According to Edward.B.Harper, the main contexts of submitting *hoilu* are; land dispute cases; theft of movable objects such as gold, silver jewellery and money ; unpaid debt etc. These three types of *hoilu* are functionally related to economic patterns like upper classes, sudras and land less labourers. He writes that Dharmasthala played a major role in solving the land disputes. The Heggade of Dharmasthaia used to be appealed to in disputes over the partition of property belonging to a joint family, a type of dispute that is now solved either by chavadi panchayats or by legal courts⁹⁰. Edward.B.Harper cites an example of the case where the decision of the legal court was reversed by verdict of the Heggade of Dharmasthala. In a place called Halli, near Totagadde, a village in western ghats of northwestern Mysore, there was a poor Havik Brahmin named Narayanappa who had a court case with an important Havik landlord. The latter had given loan to Narayanappa. Narayanappa gave his land as security. When the loan came due Narayanappa, although he had repaid part, couldnot pay the remainder. The rich Havik landlord obtained a judgement in the law court giving him Narayanappa's land. A

hoilu was given by Narayanappa against the Havik landlord. As a result, the latter gave back the land to Narayanappa because Heggade of Dharmasthala gave the verdict in Narayanappa's favour because he was a poor man. But Edward Harper also highlights a point that in Totagadde village landed Havik Brahmins were not exclusively interested in land disputes. According to him they submitted a *hoilu* to a village god on theft of jewelry that had taken place about fifty years ago. Several brass articles had been stolen from a small Shiva Temple in Totagadde, and the man whom many suspected of the theft made accusations that his worst enemy was guilty. An all- Brahmin village panchayat attempted to solve the problem by writing a letter to Dharmasthala, promising the items to that temple if they were returned⁹¹.

Edward.B.Harper says expectations differ as to how and when punishment will be administered by Dharmasthala god and village female deity or *chaudi daiva*. A *chaudi* believed to act in a more violent and speedy manner than Dharmasthala god and within a relatively shorter time. But the punishment from Dharmasthala god might come at any time within three generations in patrilineal descent, that is, to a man's family, or to his son's or grand son's family. He further argues, *Hoilu's* given over land are mainly the weapons of the weak and the poor against the wealthy and the powerful. The well-to-do land owners, who either loan money or lease out their land, are recipients of the effect of such *hoilu's*. However, their status relationship is usually reversed between individuals involved in a *hoilu* over stolen jewellery. Here the owner of the jewellery may be presumed to be better off than the person who has stolen it, and thus the wealthier person gives the *hoilu* against the poor. *Hoilu's* over stolen jewellery are sometimes given more in a spirit of revenge than from a desire to recover lost property. For example, a spirit will occasionally be promised all that was stolen plus extra inducement to effect the return of missing goods. This motivation may be akin to that involved in sorcery. On the other hand, *hoilu's* over land are primarily motivated by a desire for economic gain rather than for retaliation.⁹² The moral nature of the *hoilu* is justified on the basis of person's attitude to take justice on his side. But the degree of morality varies according to whether it is a land *hoilu* or an object *hoilu*, and according to the spirit to which the appeal is made. The enforcing mechanism of the *hoilu's* are especially in upper classes are belief in supernatural punishments, familial pressure and in lower classes is the fear of super natural retaliation and others.

Hoilu reflects the intention of a person to get justice when he feels that injustice is done to him and there is no other way to get relief. It also points out the basic features of the particular area of southern Karnataka ,i.e., Tulunadu. It is one of the small aspects of Hinduism as a system of daily religious beliefs and actions, rather than as an elaborate philosophical system. As the *hoilu* pattern is restricted to a relatively small geographical unit, it shows how Hinduism is modified to fit special local contexts. It also indicates some of the complex interrelations of one aspect of religion with economic organization and social structure in a rural village area. But, perhaps most significantly, the *hoilu* system points out some of the important subcultural differences between castes or groups of castes within a restricted area. The term *hoilu* exists both upper and lower cultures but its meanings are sharply divergent, in both subjective connotations and in actual practice.

In Dharmasthala it is also believed that Annappa daiva, who is the servant of Manjunatha Swamy settles disputes related to *hoilu* through the Dharmadhikari⁹³. Prajna Ammembala argues that, in the *hoilu* section Sri Kshetra Dharmasthala, definite information about *hoilu* since is available since 1923⁹⁴. According to her, generally there are about 300-350 *hoilu* complaints are registered every year. The records there say that at Dharmasthala the number of complaints by way of *hoilu* exceeded 2000 before the land reform act was implemented.⁹⁵ Frequent changes in government rules and regulations after the implementation of the land reform act created many problems. Then it was decided not to accept *hoilus* relating to land disputes.⁹⁶ Now private and family-related disputes discarded strictly, only such disputes that are valued at below ten thousand rupees and not older than twelve years are now accepted in Dharmasthala.⁹⁷

It is not necessary that all *hoilus* received in Dharmasthala are settled. For example in the year 2001, among the 305 cases recorded and 50 were settled; in 2002 the total number of cases received were 225 and only 40 were settled; in the successive years of 2003, 2004, 2005, 2006 and 2007 the total number of cases received were 148,161,200,112, and 108 respectively. In these 30,35,30,30 and 45 were settled respectively. Generally about 35% to 40% cases are settled⁹⁸. It was not possible to get statistics after 2008 due to the changed political scenario⁹⁹. For cases involving money lending or not returning of the jewellery mortgaged for securing loan, both the plaintiff and respondent attend the situation. Plaintiff himself goes to the temple and lodges the oral or written complaint. It is the tradition to give a portion of the money collected for the settlement of the *hoilu* to the God. *Hoilus* have a built-in mechanism which prevents a person from unjustly

enlisting the aid of God to harm a personal enemy. This is the ability of God to determine, who is right. The God will punish only the wrongdoer, even if this involves punishing the giver of the *hoilu* if his claim is false.

A belief prevails that when an altercation between relatives and between friends leads to swearing in the name of the God and results in speech-deseccration (*Vaak dosha*), the concerned parties are subjected to mental and physical afflictions. After the anger is pacified, they are reconciled and offer 'penalty' to God for having sworn in His name and return with a sense of relief. Though it looks as a superstition on the face of it, the type of religiosity is ingrained deeply in the minds of Indians. In this manner, we can see that the persons involved eventually repent and seek apology from the God. Such a mind-cleansing deed is happening at the feet of Lord Manjunatha who, always stick to his word¹⁰⁰.

Traditional judicial system of Tulunadu which is parallel to modern judicial system is also seen in Kanathur, a religious centre of Kasaragod district of Kerala State. Prior to 1956 Kasaragod had belonged to Tulunadu. Sri Nalvar '*daivas* of Kanattur are very famous for the delivery of justice. The four *daivas* of this holy place are *Ugramurti*, *Panjurli*, *Rakta Chamundi* and *Vishnumurti*. These four *daivas* do not discard righteous or just behavior and do not tolerate those people who deviate from such behaviour. A belief prevails among people that those wrong-doers noticed by these *daivas* are subjected to peculiar sort of troubles and their entire families are destroyed completely. Kanattur Kshetra is functioning parallel to the a modern court of law. Even such cases which are not resolved in the Supreme Court and at the police stations have been settled here.

When disputes are not resolved in the courts of law and when people cannot afford to meet the court expenses, lawyers themselves suggest to the party to go to the Kanathur Kshetra. Many such cases have been settled here. For example, when both the parties of a dispute do not agree to an arbitration, police suggest to them to go Kanathur and swear there. The case used to be treated as closed when the letter of proof for having sworn at Kanathur Kshetra was produced to the police station. Those who cannot counter the money power, the intensity of the false witness of the opposing party, approach the Kshetra and lodge their complaint. Based on the complaint, the managing committee of the Kshetra issues a notice to the opposing party. If the party does not respond to the

notice within 48 days, there will be many mishaps in the family of that person. It is believed that those die in this manner do not get '*moksha*' (deliverance). Ghosts or souls without rest, of those who die because of the anger of these *daivas* will go to the custody of these *daivas*. It is the belief of the people that only after their release from the custody of the *daivas*, the souls of the dead will get *moksha*. The researcher has given three cases settled in the Kanattur Kshetra on the basis of his field work¹⁰¹.

A rich gold merchant fleeces an economically weak person by name Rangappayya (name changed) of his property by producing false documents. The poor man approaches the court to get justice. Because of the money power of the rich person the poor person loses the case in all the lower courts. The poor challenged the verdict in the Supreme Court. Even after twenty four years of the beginning of the case, there was no sign of the poor man winning the case. At last, as per suggestion of an acquaintance and well-wisher, he seeks refuge in Kanathur daiva. As per the practice of the Kshetra, a notice was issued to the rich person concerned resulting in his surrender to the Kshetra. In accordance with the verdict of the Kshetra, he had to return the land to the rightful owner. The four *daivas* granted the gift of justice to the weak man, who had been tired fighting his case in courts for twenty four long years continuously.

According to another source, a woman had lodged complaint of sexual harassment against a man which led to a situation where the man faced the fear of arrest by the police. To avoid the imminent arrest, he took refuge in the four *daivas*. The administrative board accepted the complaint of the deceased person and issued notice to that woman. When a notice was issued to the complainant woman, she got frightened and confessed that she had lodged a false complaint under pressure from another person. With this, the case saw a happy ending. A belief prevails among the people that no one should lodge a false complaint and those who lodge such a complaint will be subjected to immense difficulties.

According to another incident, there was theft in a person's shop. The owner of the shop suspected a particular person of this. But he had no proof to prove this. The guilty was not found even after lodging a complaint with the police. The person who he suspected to be the thief was not ready to admit to his guilt. At last, the owner of the shop lodged a complaint with the *daivas* of Kanathur. Within three days, the man who was suspected of the theft became mad. According to the shop owner, this mad person is still roaming

in the streets. Like this, these four *daivas* wage a war on injustice and impropriety and make people live righteously and in peace.

Christianity and Traditional judiciary

Christianity also had traditional and parallel judiciary system in their churches during the colonial period. Denis Fernandes draws our attention towards the Basel Christian Missionaries, who landed in Canara after 1834 had an agenda of Europeanisation and Christianization of the people. But the missionaries found the caste system a difficult obstacle in this regard.¹⁰² They had a soft corner for Brahmins because they appeared in the shape of Christian converts. But the missionaries did not get much success in converting upper castes of Tuluva society. So they concentrated on lower strata of the society.¹⁰³ But the missionaries found that it was very difficult to make the low castes comprehend the truths of the Gospel of Jesus Christ. Clinging to their low caste and family connections were greatest obstacles to the task of bringing them to the 'noble' religion.¹⁰⁴ Denis Fernandes argues, as the number of converts increased, the anxieties of missionaries increased. Because, the neophytes did not follow the spiritual exercises prescribed to them. So the missionary felt that there should be constant spiritual training for the neophytes.¹⁰⁵

Denis says that, Missionaries also pointed out that some of the social issues had lowered the standards of Christian life in congregation. So the missionaries held regular meetings in catechists to review the progress of neophytes in Christianity.¹⁰⁶ Missionaries looked upon alcoholism as the greatest evil that affected the Christians of Canara. It was, along with thoughtlessness, diagnosed as the cause of poverty and debt. Women alcoholics were never tolerated in the church. They were ordered to sit outside the church and if required were excommunicated.¹⁰⁷ Another issue which the missionaries had to contend with was the habitual indebtedness of the native Christians. This led to other evils like lies, cheating, theft, and slavery under non-Christian masters. The Presbytery proceedings of the Basel Mission Churches reveal to us the way in which the early church operated in disciplining its members in Canara.¹⁰⁸ The meetings of these churches were attended by the missionaries and the church elders who were elected from their respective wards. These meetings involved in warnings, punishments, and excommunicating its members. These church committees acted as little courts in setting the disputes on various issues of Christian families; warning was given to those who

threatened the widows and the poor.¹⁰⁹ A separate punishment bench was shown in the church to those who were involved in sorcery, Lords supper was denied to those who were involved in theft and even for their non-Christian behaviour.¹¹⁰ In Mulki, the church was also the land lord and therefore the issues related to tenancy, non-payment of rent were discussed in Presbytery meetings.¹¹¹

The Presbytery meetings of the Basel Mission Churches emphasized the need to bring spiritual discipline among the natives. If the neophytes exceeded the limits of missionaries' forbearance, they were excommunicated. The statistical figures of the Basel Mission highlight the large scale excommunications from the church. From 1891 to 1895 at Udupi alone there were around 245 excommunications against the 230 baptisms.¹¹² Disobedience of the native Christians was never tolerated by the missionaries. When an influential Catechist of Mulki was transferred to Udupi in 1857, he disobeyed the order and the entire Christian community of Mulky stood by him. For such an act of defiance they all received the orders of excommunication. They also even sent notices to the community members who lived in the mission property to vacate within six months. The excommunicated community of Mulky made an appeal to the Home Committee to look into the matter and to do justice. The decision of the Home Committee at Basel to all these developments was interesting. It ordered the two ex-catechists to do penance and seek public apology from the missionaries in the presence of the witnesses, and to declare that they were prepared to be posted anywhere in the district lest they should lose their catechist job.¹¹³ In case of the missionaries the Home Committee felt that they went too far in excommunicating the entire community without obtaining the agreement of the District Conference ahead of it. But, such a serious step, and with such young missionaries, this would definitely have been necessary. In future this should not happen again.¹¹⁴ These incidents show that the colonial regime also followed and respected the traditional method of problem solving, inspite of the prevalence of the modern court of law.

So though the modern justice system is in force everywhere, the people have accepted the traditional justice system of the above nature. In the context of time, labour and expenses that are involved in the modern judicial system, the traditional justice system may appear conducive to the common people. Besides, the different facets of our corrupt system may have made the people think along these lines. As Surendra Rao says, the modern justice system in Pakistan cannot said to be most upright. For this, the people

there approach the Taliban courts. In these courts their problems are resolved within 24 hours. Though the Taliban is a terrorist organization, it settles the disputes of the common people in its own style.¹¹⁵

Similarly, today the underworld also functions as the traditional justice system. Though this system uses as money as capital, it metes out justice to the party approaching it with payment. What sort of justice is this, is a fair subject for discussion. Though, to the civilized world the concept of the underworld justice seems injustice, the contextual justice that the victim gets is also very important here¹¹⁶. As it is, justice is a subjective concept. What is 'justice' to one, may be 'injustice' to another. Though the modern courts are committed to settle the cases in a transparent manner, the procedure is very lengthy. But these cases are resolved within short time in the traditional judiciary. That means the concept of justice changes in accordance with the changing context. In the final analysis, what matters to the people is their being able to get such justice as is complementary to their thoughts and wishes. For getting this kind of justice, the people have accepted the traditional judicial system as parallel to the modern justice system. The above mentioned example of Totagadde village regarding *divya* and incidents connected with Kanathur Temple proves this factor.

Notes and References

1. Jayaraj.N., *Society and Justice in Pre-colonial Tulunadu*, Unpublised Ph.D thesis, Mangalore University,2012, pp. 176.
2. *Ibid*.
3. Nagesh H.V., "Namma Grama Devathegalu" in *Grama Vyasanga*, Dharwad, 1981, pp . 18
4. Jayaraj.N., *op.cit.*, pp..213-214 foot note.
5. Lakkappa Gowda.H., (eds), *Karnatakada Budakattugalu*, Bangalore, 1998, pp . 3.
6. *Ibid*, pp. 5.
7. Vighneshwara Bhat., "Sidhiyaru" in *Karnataka Budakattugalu*, *op.cit.*, pp. 68-69.
8. The important works on Koragas are Francis Buchanan's *A Journey from Madras through Mysore, Canara, and Malabar*, Vol.III, Madras, 1809; Edward Balfour's *The Cyclopaedia of India*, London, 1858 ; Ullal Raghavendra Rao's, *The Koragas*, in *Indian Antiquary* ,Vol.II, 1874; J.Sturrock's, *South Canara, Madras District Manuals*,

Madras, 1894; Edgar Thurston's *Castes and Tribes of Southern India*, Vol. III, Madras, 1909 ; D.N.S. Shankar. Bhat's, *The Koraga Language*, Poona, 1971; Amritha Someshwara's *Koragaru*, Bangalore, 1982 ; Purushothama Bilimale's *Koragara Samskrithi* Bangalore, 1993; P. Kamalaksha's *Dakshina Kannada Jilleya Harijana mattu Girijanara Samajika Ithihasa*, Bangalore, 1994; C. Vasudevan's *The Koragas-The Forgotten Lot; The Primitive Tribe of Tulunadu*, Trichur and so on.

9. Purushothama Bilimale., *Koragara Samskrithi*, Bangalore, 1993, pp. 46-48.
10. *Ibid*, pp. 47-48.
11. Francis Buchanan., *A Journey from Madras Through the countries of Mysore, Canara, and Malbar, (3 Vols)*, 1809, Madras pp. 10.
12. Raghavendra Rao., Ullal, 'The Koragas' in *Indian Antiquary* Vol. II, 1874, pp. 195-199.
13. Shanker Bhat. D.N., *The Koraga Language*, Deccan College, Pune, 1971, pp. 64.
14. Vasudevan. C., *The Koragas-The Forgotten Lot; The Primitive Tribe of Tulunadu*, Trichur, 1998, pp. 148-149.
15. *Ibid*, pp. 148.
16. Ramappa Vormica., *Memories of the Origin of the Slaves*, 1819, Madras, pp. 25.
17. Edgar Thurston., *Castes and Tribes of Southern India*, Madras, 1909, Vol III, pp. 436.
18. *Ibid*, pp. 437.
19. Vasudevan. C., *op.cit.*, pp. 150.
20. Ramappa Vormika., *op.cit.*, pp. 35.
21. Naganna. D., "Kudiya-Malekudiya" in *Karnataka Buda Kattugalu*, *op.cit.*, pp. 609-624.
22. *Ibid*, pp. 614-615.
23. *Ibid*, pp. 615.
24. Huchachappa Master., "Hasalaru" in *Karnatakada Buda Kattugalu*, *op.cit.*, pp. 4-7.
25. *Ibid*, pp. 7-8.
26. *Ibid*, pp. 41-43.
27. *Ibid*, pp. 42-43.
28. *Ibid*, pp. 47.
29. Mohan Gowda., *Dakshina Kannada Jilleya Malekudiyaru; Samajo Samskrithika Adhyayana*, unpublished Ph.D Thesis Kannada University, Hampi, 2010, pp. 43-46.
30. *Ibid*, pp. 48.
31. Kamalaksha. P., *Dakshina Kannada Jilleya Harijana Mathu Girijanara Samajika Ithihasa*, Mangalore 1968, pp. 79.
32. Abhaya Kumar., "Kudubiyaru" in *Karnataka Budakattugalu*, *op.cit.*, pp. 239-44.

33. *Ibid*, pp. 241.
34. *Ibid*, pp. 242.
35. Vamana Nandavara., "Manasru" , *Karnataka Budakattugalu*, *op.cit.*, pp . 667.
36. *Ibid*.
37. *Ibid*.
38. Purushothama Bilimale., *Karavali Janapada*, Mangalore, 1990, pp. 125-126.
39. *Ibid*, pp. 131-132.
40. *Ibid*, pp. 132-133.
41. *Ibid*, pp. 139.
42. Sundara Naik.K., *Karavali Karnatakada Marathi Jananga; Parampare Mattu Adhunikathe*, Bangalore, 2008, pp. 103-104.
43. *Ibid*.
44. *Ibid*.
45. Chinnappa Gowda (eds)., *Gowda Jananga : Ithihasa Mathu Samskrithi*, Mangalore, 2003, pp. 91-93.
46. *Ibid*.
47. *Ibid*.
48. *Ibid*.
49. Panduranga.D.R., *Dakshina Kannada Jilleya Bariraru, Samskrithika Adhyayana*, Udupi, 1990, pp. 30.
50. Ramakrishna Achar.P., "Tulunadina Nalikeyavaru" , in *Janapada Spandana*, Puttur, 1980, pp. 93.
51. Koravas are seen at places like the out skirts of Bangalore, Bellary, Dharwad, Belagavi, Kolar, Bidar, Kodagu. They are nomadic community.
52. They are also called Masanada Siddaru, Bala Santhoshigalu, Masanada Jogigalu, Bahu rupigalu, etc., They are particularly found in places like Bijapur, Gulbarga, Bellary, Shivamogga, Hasan, Chikmagalore.
53. "Divya" Means an 'ordeal' by which one should establish his innocence before the God. P.V. Kane in his "History of Dharma Sastra" discusses about the Six "diyas" practiced in Ancient India.
54. Manasa., *Koravara Samskrithi*, Bangalore, 1993, pp . 72-74.
55. Adavi Chenchas live in the region of Deccan plateau.
56. Prahlad Betager.i, *Adavichenchara Samskrithi*, Bangalore, 1993, pp . 50-51.
57. *Ibid*.
58. Khadaba.P.K., *Sudugadu Siddara Samskrithi*, Bangalore 1993, pp. 25-27.

59. Manasa., *op.cit.*, pp. 72-74.
60. Erava's are the tribal community of Kodagu.
61. Harish.P.N., *Eravara Samskriti*, Bangalore, 1993, pp. 136-138.
62. Illiga's live at places like Bangalore rural, and Tumkur District.
63. Siddalingaiah.B., *Illigara Samskrithi*, Banglaore, 1993, pp. 30-31.
64. Prahlad Betageri., *op.cit.*, pp. 51.
65. Hakki-Pikki people, are seen at places like Hunasuru, Chamaraja nagar, Shikaripura, Bannerugatta, etc.,
66. Rajappa Delavayi., *Hakki Pikkiyara Samaskriti*, Bangalore, 1993, pp . 47-48.
67. Mysa Beda's are seen at places like Challakeri, Jagalur, Molakalmur etc.,
68. Krishnamurthy Hanur., *Mysabedara Samskrithi*, Bangalore, 1993, pp. 77-78.
69. Mysore Archaeological Reports, 1927, pp. 133.
70. Kane.P.V., *History of Dharmasastra*, Vol. III, p. 363.
71. Chidananda Murthy, *Kannada Shasanagala Samskrithika Adhyayana*, Mysore, 1979, pp. 197-198.
72. *Ibid.*
73. *Ibid.*
74. *Ibid.*
75. SII, Vo. IX .No. 143, 1079 A.D.
76. Kane.P.V., *op.cit.*, pp. 361-378.
77. Iyanger.S.K., *Early History of Vaisnavism in South India*, pp. 24.
78. SII, Vo. IX, No. 143.
79. Ep. Car. No. 185.
80. Chidananda Murthy., *op.cit.*, pp. 200.
81. *Ibid*, pp. 202.
82. South Canara District Gazzetter, Karnaraka Government, Bangalore 1973, pp. 731.
83. Veerendra Heggade., *Poli*, Mangalore, 1999, pp. 299-300.
84. 'Hoylu:A Belief Relating Justice and the Supernatural' by Edward.B.Harper, in *AmericanAnthropologist*;NewSeries;Volume.59;IssueNo.5,Oct,1957,Publishedby'onlin elibrary.wily.com/do/10.1525/aa.1957.59.5.02a0005/pdf'. p.816. Edward Harper writes in an journal *American Anthropologist* (Vol.59, No 5,Oct,1957). There are three commonly used terms for different types of appeals. One of these is *harake*, usually translated as 'vow', which is the most usual type. For example, if a person or animal is ill, either the spirit who is causing the illness will be offered a offering to induce it to leave, or another spirit will be promised payment if it can force the responsible spirit to

desist. Another type is *mata*, best translated as ‘sorcery’; in this a spirit’s help is enlisted to harm another person. The third type, *hoilu*, is a plea for help of a spirit to rectify an injustice.

85. Edward.B.Harper., *op.cit.* pp . 816.
86. *Ibid*, pp . 817.
87. *Ibid*, pp. 805.
88. Prajna Ammembala.l, *Sri Kshethra Dharmasthala : Bahumukhi Adhyayana*, Mangalore University, 2008, pp . 81- 85.
89. *Ibid*.
90. Edward.B.Harper., *op.cit.* pp . 802.
91. *Ibid*. pp. 803.
92. *Ibid*. pp. 807.
93. Prajna Ammembala., *op.cit.* pp. 81-85.
94. *Ibid*.
95. *Ibid*.
96. *Ibid*.
97. *Ibid*.
98. *Ibid*.
99. Reasearchers interview with the Dharmadhikari of Shri Kshetra Dharmasthala.
100. Prajna Ammembala., *op.cit.* pp. 81-85.
101. All these information’s based on my interview with the administrative head of Kanathur Temple on31-8-2014 and a programme telecasted by TV a channel, which is available in YOU-Tube
102. 102 Denis Fernandes., ‘Perception of the Natives in the Basel Mission writings of the 19th century’’, in *AL-SHODHANA*,journal of St. Aloysious College Mangalore, vol.1, issue.2, July 2013, pp . 3
103. *Ibid*, pp . 4
104. 104 . *Ibid*
105. *Ibid*, pp . 7
106. *Ibid*, pp . 8
107. *Ibid*
108. *Ibid*, pp . 9
109. *Ibid*
110. *Ibid*
111. *Ibid*

112. *Ibid*, pp . 10
113. *Ibid* , pp . 9-10
114. *Ibid* , pp.11
115. Interview with B. Surendra Rao on 12-11-2014.
116. *Ibid*.

Chapter 6

Judicial

Conceptualizations

in Paddana

Judicial conceptualizations in *Paddana*

Nature and importance of the *Paddanas*

Paddanas are a distinct form of Tulu folk literature. They are a repertoire of oral records depicting in detail the beliefs, practices, thoughts, customs and manners, rules and regulations, worships, wars, sports, occupation, economy, polity, judiciary, caste and kinship structure, gender relationships, etc of Tulunadu. *Paddanas* are the oral song tradition describing the lives of Tuluva ancestors, ups and downs of their lineage, and the attractive myths surrounding their deities. They could also be termed as Tulu folk song tradition, broadly categorized under the folk 'ballads.' However, many *paddanas* go beyond the category of song or stories to be considered as folk 'epics.' Some even carry the features of ballad cycles. Ballad cycle type is an important subgenre of oral epic. The compilation and proper edition of different variants of *paddanas* dealing with particular deity or *bhuta* reveals the existence of such a cycle. These include combinations of tales depicting the origin and dissemination of *bhutas*, such as Panjurli, Jumadi, Guliga. These are not variants of a single *paddana*, but are different episodes in the life of a particular *bhuta*. A comparative reading of the features of *paddanas* and 'ballads' could well substantiate this viewpoint. Nevertheless it does not mean that 'ballads' have had an impact on Tulu *paddanas*. Although we could find the balladist features of narrating stories for generations, recurrent refrains, rhythmic structures, objectivism, and so on in Tulu *paddana*, in terms of the preoccupation of these songs, they could be placed under the category of myth.

Paddanas could be termed as folk song tradition as well. While doing so, there is a necessity to understand the features of folk literature in general. 'Folk literature' is distinct from 'folklore.' It is in fact only a part of folklore as are folk music, folk dance, folk medicine, folk plays etc. A broad perception of all these forms is called as folk lore. This term was coined around 170 years before in English. In 1946, William Thoms brought into currency the term 'folklore' as an alternative to 'popular antiquities.' In general it connotes intellect, knowledge and learning. It is a lore singing about the folk. Although being two different terms in the beginning, eventually they were merged into one. To put it in a nutshell, folklore is the vast non-scripted tradition of a community and a scientific study of it.

It is almost impossible to accurately locate the coinage of the term 'folk literature.'⁷ However, in recent times, the terms 'folklore' and 'folk literature' are being used synonymously, without taking into account the basic differences between the two.⁸ As 'folk literature' has come under the purview of disciplinary concerns, there is a necessity to use this as a technically-charged terminology.⁹ According to some scholars, the very thin distinction between folk and folklore could be addressed by replacing the term with 'folkloristic.'

Paddanas are an integral part of the vast corpus of folk literature in Tulu language. As variants to the term '*paddana*,' '*pardana*,' '*paddone*' and '*paddano*' are also in the general usage. M. Govinda Pai has used the word '*prarthane*' as a parallel to *paddana*. To define it in his words, *paddanas* are detailed historical accounts of the *bhutas*, verbally narrated by the Tulu-speaking believers in the respective *bhuta* shrines.¹⁰ B.A Saletore also conceptualizes the term *paddanas* in similar ways: The word *paddana* resembles the Dravidian word 'Pat'-meaning 'a song'. But the nature of a Tulu *paddana* is essentially that of a Prarthana-Prayer.¹¹

Both these definitions indicate at the synonymity between *paddana* and *prarthana* or prayer. Nevertheless, it is difficult to agree with this proposition. The nature and functionality of *paddana* could in no ways be compared to that of *prarthana* or prayers. In Kanaradi Vadiraja Bhat's opinion, when the term '*prarthane*' is derived into Tulu, it should transform into either '*pirarthane*' or '*pirattane*.' Such different words are already in usage in Tulu language.¹² Therefore we could arrive at a conclusion that Govinda Pai's views on the synonymity of '*prarthane*' and '*paddana*' is fallacious.¹³

Contemplating on its pronunciation, T. Keshav Bhat opines that the term *paddana* should be pronounced as '*pardana*' or '*partana*.' Informed people perceive it as '*parat panpune*' literally meaning 'singing the past.' It could therefore be decided that '*parattane*' connoting '*palame*' (old or past) is the root word of *paddana*.¹⁴ *Paddana* is undoubtedly a dravidian term. The words '*paad*' or '*paach*' (implying '*haadu*' or song) are considered to be the etymological root of *paddana*. Combining with the past participle '*daan*' the verbal root of '*paad*' should have turned into '*paddan*.' Most of the Dravidian languages have the meaning of '*haadu*' or singing for the root words '*paad*' or '*paat*' or '*paar*.'¹⁵ Regional variability in the acoustic processes must have contributed to such phonetic variations. This applies well in the case of tulu *paddana* as well, as it is inconceivable to

etymologically trace the root word to a different language other than Tulu.¹⁶ Also Govinda Pai's analysis of *paddana* as *vachana kavya* or poetic compositions could well be accepted. Despite the lyrical features of weaving the story in small lines, rhythmic flows of the language, occasional rhymes, etc. when seen in its totality, *paddana* could appear as poetic *vachanas*. It definitely contains poetic rhythm and lyrics, but does also not get restricted by the bounds of strict metrical forms and rhyme schemes.¹⁷

Paddanas are also popularly referred as '*sandi*.' It is another type of oral narrative of long epic nature. The two major members of the genre are Siri epic and Koti Chennaya . In other words, the *paddana* of Koti Chennaya is generally called as *banteresandi* (song of warriors) and that of Siri as *Siri sandi*.¹⁸ The Siri epic runs to about twenty five hours and Koti Chennaya is about fourteen hours. As we can find sub-chapters under an epic poem, some of the very lengthy *paddana* also contain different *sandi* within. They assume the independent shape of individual poems. To mention some examples: the *sandi* of Perumale Ballala in Koti Chennaya *paddana* and the *sandi* of Abbaga-Daraga in *Siripaddana*,¹⁹ etc. However, eventually the term *sandi* might have come to replace the term *paddana* itself, as the term *sandi* is more in currency than *paddana*. There seems to be no lexical difference between the two terms *sandi* and *paddana*.²⁰ People use the terms *paddana* and *sandi* many times as synonyms and there seems to be no specific distinction between them.

Although there is not much difference in meaning between the two terms, it could be observed that *paddana* encompasses a larger scope than *sandi*.²¹ Without clarifying enough on the different kinds of *paddanas*, the two terms *sandi* and *kabite* are used interchangeably. Considering the vast scope of *paddanas*, we could arrive at a conclusion that *sandi* and *kabite* are either within the purview of *paddana* or different kinds of *paddanas* itself.²² We could therefore reason out that *paddanas* are not a mere medium of religious tenets as expressed by the *daiva* (deity) mediators, but also a means of entertainment for the women laboring in agricultural fields every day²³. Another unique aspect of *paddanas* are also that they are not created at the behest of dominant patronizers nor are they representative voices of the ruling class. These oral epics are not only a source for the reconstruction of the history of Tulunadu, but are also narratives emerging out of the rural, especially agrarian setting of Tulu region.²⁴ Along with a depiction of the existing violence under feudal social system, *paddanas* also articulate resistance against such discrimination. Paradoxically they portray dominance and

arrogance of feudal landlord set ups symbolized by 'beedu' and 'guttu' (traditional manor houses) on the one hand, and on the other, the grandeur and hegemony of these centers of power.²⁵ These dichotomous depictions are not difficult to be imagined under the then-existing feudal land owning system of Tulunadu. It was impossible to directly confront the hegemonic system those days. Although some of the *paddanas* made an attempt to record protest by defying such dominant structures of power, they did not have the sufficient potential to bring about a radical change in such hierarchical systems.²⁶

If the *paddanas* in praise of the feudal set up on the one hand signify the helplessness of working class, on the other they indicated the existing societal inequalities. As it was almost impossible to resist the discriminating hubs of power and authority, it was necessary for the poetic compositions of the subordinate groups to create instances of the deities' wrath and punishment towards such hegemonic communities. *Paddanas* therefore are a source to construct alternative histories of the subalterns, recording the discrimination, exploitation and systems of slavery existing in the society²⁷. The salient features of non-vedic Tuluva culture and religious faith could well be derived from the *paddana*. Also, they not only elucidate Tuluvas' conception of heroic figures, but also their contexts of birth and journey into deified state.²⁸

Paddanas delineate episodes in the life of Tuluva heroes leading to their overall person-making, and attributes of dynamism are embedded in the heroic conceptions as expressed in them. It is neither the good deeds of previous life nor the divine incarnations that is responsible in the making of heroes in the Tuluva milieu. But, it is exclusively their accomplishments in the present life that can assure an elevated status as heroic deities.²⁹ However, to say that *paddanas* are a rich source of information to understand the prominent issues of Tuluva society is not to claim that they are authentic and extensive material for an anthropologist to comprehend the Tulu life and culture. Instead, we can witness the valiant character demonstrated by heroes in the face of life's difficulties, and likewise, they also present unpredicted incidents in the life of common people.³⁰

Paddanas, like any other oral tradition, interwine illusion into the realm of reality. By brining the illusory creations into the fold of belief and day-to-day lives, *paddanas* convert anecdotes into authentic accounts. The worship practices are lent a wider interpretation through the contemporary concerns and historical modes of *paddanas*.³¹

While *paddana* appear as perceptible evidence to the Tulu culture, at the same time they also provide a complex and affective view into the processes of learning. Transformation of a commoner into that of a divine being is one of the recurrent themes in *paddanas*. They materialize in the community's consciousness and the specific contexts developed within. Tulu *paddanas* not only depict the authority and grandeur of *bhuta* or deities, but also pay enough attention to social justice and deserved punishment.

Paddanas undoubtedly and undisguisedly are folk antiquities. They offer a realistic portrayal of the lives carried out for centuries since pre-feudalistic times.³² While Koti Chennaya *paddana* is a depiction of the twin heroes' combat against feudal lords, Siri *paddana* delineates the struggles of a female from matrilineal system for women empowerment. If, an informed hero from 'untouchable' caste Koddabbu is an example for the tragic succumbing to the dominant caste trickeries, the tragedy of Koraga Taniya also follows the same pattern. The amputated body of Kalkuda – despite engraving the marvelous Gomata statue enhancing the King's prestige – also offers a heart wrenching picture elsewhere. *Paddanas* around Madanaga, Mukambejevu, Paratimangane and so on express the sexual exploitation of women from different strata of society. In all, *paddanas* are a representation of the exaltation of struggling lives into deity figures.³³

According to B.Surendra Rao, *paddanas* unfold many facets of the relationship between social and political that is different from that of the mainstream portrayal.³⁴ They reveal the bravery, trickery and sacrifice of heroes and villains of many groups, while at the same time they are controlled by the visible and invisible maneuvering of the supernal. *Paddanas* offer a plentiful of space for the downtrodden to voice the injustice meted out to them, and the need to subvert such discrimination. By placing the victims within the bounds of hierarchical and authoritarian structures, the *paddanas* extend a scope to rebel, at least with the help of the mediating presence of unworldly deities. Consequently, *paddanas* have become an integral part of the worship traditions around different *bhutas* and *daivas*.³⁵

In terms of the subject material, the vast corpus of *paddanas* of Tulunadu could broadly be divided into earthly and unearthly or humanly and divine. The category of unearthly could further be divided into those related to the deities (*bhuta*), to the supernatural (*atimanusha*) and to the mythical (*pauranika*) beings. The *paddanas* related to the worldly objects could either be a happy or tragic in nature. The structure of *paddanas*

differs from each other. While some of them could be sung in ten to fifteen minutes, some others extend to more than three to four hours.³⁶

There are innumerable oral songs narrating the birth, deeds, influence and spread of many indigenous deities called *bhuta* or *daiva* of Tulunadu. In terms of the subject matter, many versions of the same deity are also available.³⁷ For instance, there are different *paddanas* like Devupunja, Pangolla Bannara related to one deity Jumadi. These multiple *paddana* texts depict the supernatural deeds and acts of bravery of the same deity. It is possible that the regional and individualistic differences could create many versions of the same text.³⁸ In terms of the focus of each of these *paddanas*, they could further be divided on the basis of birth, bravery, and dissemination of deities. A cycular *paddana* narrative could be derived by assembling the above three factors *ugama-sahasa-sanchara*. This large narrative could be termed as the ‘epic’ of that particular deity.³⁹ These *paddanas* contain the descriptions of brave individuals or the supernatural which attain deity-hood after their death. Owing to the steadfast belief on these deified beings, they are either considered as ‘cultural heroes’ or as ‘supernatural women’ instead of ‘*bhuta*’. The most popular and extensively prevalent *paddanas* of ‘Koti Chennaya’ and ‘Siri’ could be brought under this category.⁴⁰ In terms of their structure, these *paddanas* are very long, containing chapter-length sections called *sandi*. However, in terms of their focus, these sections constitute a part of the same *paddana*. Such long narratives wherein the supernatural gains precedence could be termed as ‘folk epics.’⁴¹ Nevertheless, the above mentioned two *paddanas* are popularly referred to as *sandi* among the common people.⁴² Some *paddanas* of indigenous deities also contain references to the deities of the ‘greater tradition’ like Shiva, Narayana, Krishna, Ganapati, etc. However, there are also *paddanas* with an exclusive focus on the mythological matter. Such independent *paddanas* with the above mentioned deities as central focus are small in length and do not have a circulating characteristic. For example, the *paddanas* available about Balindra, Krishna, Site, Surya, chandra are independent small creations. In such *paddanas* the ‘greater’ deities lose their celestial aura and take the shapes of ordinary human beings on earth.⁴³ These poetic creations reflect the influence of vedic culture on the Tulu folk forms. It could also be supposed that the vedic cultural elements were introduced among Tulu folk through diverse mediums like Yakshagana and mythological rendition (*purana pravachana*), and not through the mainstream Sanskrit-Kannada literature.

When compared to the number of *paddanas* available, those with the terrestrial as subject matter are less than those related to the supernatural. A reason behind the relative unpopularity of such *paddanas* seem their earthy themes as against those related to *bhuta* or Balindra worship which caters to their need better. In addition, secular creations like these may not withstand the test of time in contrast to the religious ones.⁴⁴ Furthermore, terrestrial compositions could also be perceived in terms of their prevailing mood – either happy or tragic. We could observe that the women-centered *paddanas* are generally tragic in nature.⁴⁵ Some examples of such tragic verses are Onnamma Jevu *paddana*, Paratimangane *paddana*, Mattadiballu, Bale Chandramu, Jattodi Pergade, and so on. Bale Kinayamu, Vajranda Kumara, Bale Tangadi, Puttakka, Amasaranda Mannodi, Gillu Billu, etc. are examples for gleeful *paddanas*.⁴⁶ Happy ending *paddanas* with supernatural as their theme are modeled after the folk stories in terms of their subject, structure and technique. We could observe categories of folk stories as pleasant stories, miraculous stories, etc., which are primarily in poetic forms. Therefore they could be brought under the purview of poetic stories. However in terms of their subject matter they come under the folk stories in Tulu, and so, such *paddanas* could be considered as the poetic forms of folk stories.⁴⁷ Supernatural elements are sometime woven into such terrestrial compositions. They provide an elucidated picture of the royal and feudatory cultures of Tulunadu.⁴⁸ While folk stories generally carry an anonymous identity of individuals or places depicted within, the Tulu *paddanas* have highly localized the material by specifically naming the palaces, feudal lordships it talks about.⁴⁹

As *paddanas* belong to the performance tradition, their expression also is a result of different contexts. In terms of their performative contexts they could be categorized as poetic renditions of men and women.⁵⁰ It is generally men who invoke deities during the worship practices of *kola* and *nema*. Women sing *paddanas* in the agricultural field during different stages of cultivation. With an exception of Brahmins, women of all castes participate in this tradition.⁵¹ However, more recently, these *paddanas* are spreading into new media like films, Akashavani, dramas, Yakshagana, etc., and thereby, are contributing to multiple kinds of knowledge production.⁵²

In Tulunadu's southern tradition of *bhutaradane*, portions of *paddanns* are sung at different stages like receiving the ritual oil (*ennebulya*), wearing costume, headgear,

mask, weapons and other paraphernalia of the deity.⁵³ Whereas in the northern tradition, along with the above stages, *paddanas* are also sung in the midst of *nema* or *kola* by the impersonating *pambada*⁵⁴ or *parava*⁵⁵ or *panara*⁵⁶ or *nalke*,⁵⁷ being seated on a wooden platform amidst the audience. While the grammatical reference in the southern region is in first person, it is the third person pronoun in the northern parts.⁵⁸ For example in Enmuradeyya or Kelatta Perne *kola* of Muggera impersonators, they dance through the ritual stage, singing their birth and adventures in the third person pronoun. While the *bhuta* impersonators sing the pertaining *paddana*, female members of their family beat the traditional drum of *tembere*.⁵⁹ As she sings the first line of *paddana*, it is continued by the impersonator, and thus in a rhythmic tone, they sing the alternative lines of the song. However, there is a stark difference between the way these men and women sing their portions of a *paddana*.⁶⁰

Women sing *paddana* during transplantation and other cultivation activities in the field. This includes *paddanas* related to the *bhutas*.⁶¹ Except for the Brahmin women, almost all castes' women participate in this practice. A woman of any caste assumes the role of a chief singer and starts singing a *sandi*. As she finishes a line, rest of the women repeat the same line as a chorus. This chief singer is generally an experienced older woman. This performative context in the field helps women in learning the plot as well as imbibing the technique of singing.⁶² These are also a way of bursting their exhaustion and a means of entertainment. Although these *paddanas* are same in their theme of *bhutas*, they vary from men's rendering in terms of their length and poetic beauty.⁶³ Based on the context and subject matter of the *paddana*, we could identify many varieties within. According to Peter J Claus, "a context that produces an oral text also informs its expressive form to a great degree."⁶⁴ He further identifies three performative contexts in Tuluva instance. *Kola* or *nema* tradition, *Siri* ceremonial tradition and during crop transplantation in the field.⁶⁵

Tulunadu of the yesteryears had maintained the practice of singing *sandi* for amusement during the nights. This included both *bhuta sandi* and terrestrial *paddanas*. The *paddanas* narrating the glory of not *bhutas* but supernatural heroes like Koti Chennaya and Siri were sung during such nights. It is interesting to note the way these religious and ritualistic songs were also actively present in a non-religious context for entertainment.

Koti Chennaya and Siri *paddana* are sung during the Koti Chennaya *kola* and Siri *Jatre* respectively. These deities are not considered as *bhutas*, but instead are worshipped as superhuman beings. The parava men sing Koti Chennaya *paddana* before serving the ritual meal of *agel* in their worship centers called *garadi*. In addition, billawa women sing portions of the same *paddana* in the *mehandi* ceremony on the previous day of a wedding. Billawa men also sing Koti Chennaya *paddana* during toddy-tapping.⁶⁶ There are visible variations in the *paddanas* composed by diverse castes like Parava, Pambada and Nalke. These caste groups act as possession medium for different *bhutas*. While the *kola* offered to deity Maisandaya is conducted by all the above three castes and the *paddana* is referred to with the same term, one could note many distinctions in terms of plot description and techniques of rendering.⁶⁷ Although this *paddana* is known among Pambada men, it is not so familiar to their womenfolk. Men from Nalke caste sing this *paddana* only in the *kola* arena. Parava women could sing it in its entirety, and their men are equally adept in reciting it.⁶⁸

Mayandal *paddana* is sung across Tulunadu during cultivation. It is also sung by Parava women in the Mayandal *kola* conducted on the next day of Koti Chennaya *kola* in *garadis*. Similarly, Koddabbu *paddana* is sung by the Mundala castes in a ritual called *tadpebulya*, and during worship and vow offerings.⁶⁹ In the Koddabbu *kola*, men of Nalke caste sing a brief portion of this *paddana*. Furthermore, women of Mundala caste sing Koddabbu *paddana* during transplantation in agricultural fields.

Men of Muggera caste sing extensive versions of *paddanas* of Muggera heroes Kelatta Perne and Enmuradeyyu in comparison to the caste Nalke rendering during *kola* ceremony. Owing to some customary forbid, Muggera men do not sing this *paddana* in the public. There are many regional variations in their *paddanas*.⁷⁰ Women sing the Abbaga-Daraga episode from Siri *paddana* during cropping in the field. The same women also sing portions of the Siri *paddana* in Siri festivals. Even those women who do not indulge in farming activities participate in the ceremony as Siris and sing the *paddana*. Multiple performative contexts get created according to the chief deity of the place and the socio-religious background of the believers who participate. It is possible, therefore, to locate many texts within the Siri tradition.⁷¹

Kabitas are another important genre of Tulu oral poetry that functions as work song. The huge magnitude of oral poetry available in the agrarian context has been classified as

northern and southern by Peter J Claus. They belong to the tradition of agrarian activity, and therefore are the poetic stories within 'work songs' genre.⁷² After all Tulu oral literature is mainly focused on paddy cultivation, the major form of agriculture and other types of cultivation like arecanut, coconut, plantain, and green vegetables. Many of the *Kabitas* do not carry a particular story. Only a famous *Kabita* called *Hijomanjottigona* has a beautiful story interwoven. Most of the *Kabitas* contain a minor theme, a small episode mingled with phonetic strands and comic elements.⁷³ During the intense working schedule in the field, *Kabitas* perhaps enhance efficiency, reduce stress and burst monotony of work. It also proposes a higher philosophical principle of equality among different working caste-groups.⁷⁴ Crop transplant has traditionally been a task reserved for the womenfolk in Tulunadu. A woman from this group assumes the chief role and sings a line of the *Kabita*. This soloist is joined by the rest lending a chorus to her lines, followed by the same pattern in next stanzas.⁷⁵ In terms of their subject preoccupation, village women transcend the boundaries of caste, family, and social and mental restrictions. The *kabitas* sung in the fields by women mainly reflect female aspirations, dress, and ornaments, particularly their wish to go to temple festivals and their sexual urges. Some others reflect their relationship with birds and plants. So one can say that women were the actual creators of this genre. Such *kabitas* have messages to be passed on from generation to generation of working women. The female consciousness inherent in the genre and the participation of women in performance are very important in understanding the overall cultural setup.

A part of folk literature, it is difficult to locate precisely the time period of *paddanas*. In terms of their linguistic and cultural characteristics, it is hard to determine their period. However, as most of these *paddanas* are about the indigenous deities worshipped here, and by observing the historical clues embedded in them, *paddanas'* time frame could be established. While supposing the impossibility of marking the time period of any given *paddana*, it can be suggested that considering its circulative tenure as its point in time. When the historical element and the tradition described appear as similar in different versions of a *paddana*, the time, place and origin of a historical narrative could be determined. It is at the same time difficult to recognize a particular version as authentic or better. Even if there is not much difference in the plot structure, *paddanas* emerge as different texts according to the diverse context, medium and audience. Each text materializing in each singular context should be considered as authentic text. To assume

that *paddana* travels from one generation to the other without any change is a conservative thought. It, in fact, is re-created in each performative context⁷⁶ Identifying the sources through which the period of a *paddana* could be located, B.A.Vivek Rai has opined that inscriptions mentioning *bhutas*, reference to historical personalities and incidents, evidence of constructing historical sites, and other aspects of culture could assist in determining the time period of a *paddana*.⁷⁷

A 1379 A.D. inscription (SII, Vol. VII, No. 234) found in the Kanteswara Temple at Kantavara in Karkala mentions about 'those who disobey the *daiva*.' In the copper inscription of 1431 A.D. found in Ullala says, 'violation of the agreement will be subjected to Ullala *daivas* adjudication.' The 1432 A.D. stone edict of Edamangala in Sullia taluk (ARSIE 1930-31, No. 349-50) has a reference to 'the butter offering to Siradi *daiva*.' The Kapu inscription of 1499 A.D. (SII, Vol. VII, No. 273) in Udupi taluk describes that the Nandalike *daivas* are the subsidiary deities of Mahalingeswara god. This also includes Abbaga and Daraga. This inscription is the first in citing about the *daivas* and the exact period to which they belong. The 1453 A.D Udyavara inscription (SII, Vol. VII, No. 295) talk about the 'ninjakora *daivas*.' The Basaruru inscription of 1546 A.D. (SII, Vol. VII Part II, No. 620) has a reference to Bobbarya *Bhuta*. The 1564 A.D Barakuru inscription (SII, Vol. VII, No. 366) specifies about 'Bobbariga's shrine (*kottige*).' The word *kottige* here means the worship center of a *daiva* or an altar where the idol of a *daiva* is placed. Frier, a traveler who journeyed across the Karnataka coast in 1673, described about the converted Christians of that period, and said, "(those) who had not been converted were marvellously conversant with the devil." It is not unfounded to assume that he referred to the *bhutaradhane* prevalent in the region⁷⁸.

A particular incident from the political history of Tulunadu has clearly been maintained in the *paddana* of Kalkuda and Kallurti. Nonetheless, temporal authenticity has been relegated to background by weaving fictitious elements into this *paddana*. Stories around the construction of Gommata statue of Sravanabelagola in tenth century, Gommata of Karkala in 1432 A.D, Gommata of Venuru in 1603 A.D., are threaded into the Kalkuda-Kallurti *paddana*. It claims that all these three statues of Gommata are carved by a single sculptor called Kalkuda. However, its fictitious basis is evident from the fact that a single individual cannot live across centuries apart sculptures mentioned in the *paddana*. There is a gap of 171 years between the erection of Gommata statues at Karkala and Venuru. Both Kalkuda and Kallurti mean *stonemasons*. The occupational nomenclature of

‘kalkuda’ is thus retained through generations. So we could presume that different sculptors from Kalkuda’s lineage have carved the statues at Karkala and Venuru in their lifetime. Perhaps owing to the same title ‘Kalkuda,’ the folk tradition has maintained that these statues were built by one individual. Although Kalkuda-Kallurti *paddana* belongs to the early seventeenth century (1603 A.D.), one could draw its antiquity much before based on its story⁷⁹.

The fourth version of Panjurli *paddana* carries allusions to Kukke Subramanya, Kadri Manjunatha, Kantavara Kanteshwara and Kapu Janardhana temples. Although an accurate period of these temples is unknown, it is commonly accepted that they are ancient in nature belonging to centuries from ninth (Kukke Subramanya temple) to fourteenth (Kapu Janardhana temple). Given this understanding we could presume that this *paddana* was composed only after the fourteenth century. It also mentions about a historical rebellion of Karkala Bairarsa king, Immadi Bhairarasa against the Vijayanagara emperor Krishnadevaraya. Enraged by this rebellion, Krishnadevaraya himself led an army towards Tulunadu and defeated and dethroned the Immadi Bhairarasa king. This incident has also been recorded in the 1516 A.D. Mudigere inscription. As a result, we could locate the period of Panjurli *paddana* as definitely after 1516 A.D, and possibly the first half of sixteenth century⁸⁰.

A historical figure named Eerappa Naika is mentioned in Attavara Daiyongulu *paddana*. There is no clarity about the identity of this figure in the *paddana*. If he is the same as the Ikkeri king Veerabhadra Naika who reigned over Tulunadu, we could assume that this *paddana* was composed in the mid of seventeenth century. There is also a reference to ‘Ijanagara’ in the Attavara Deyyongulu *paddana*. This corresponds with the time period of *Koti Chennaya* and *Todakukkinar paddana* as they also mention about a land called Ija nagara across the ghats. It is possible that this Ija nagara was in fact Vijayanagara. It is recorded in history that the Vijayanagara kings ruled Tulunadu from 1345 A.D. to 1650 A.D. However, by 1600 A.D. the influence of Vijayanagara rulers on Tulunadu deteriorated to a large extent. Nevertheless, the influence of a kingdom that ruled Tulunadu for more than 250 years would have continued much after its decline as well, and finding a reference to this kingdom is not improbable either. All these, therefore, suffice to say that the *paddanas* belong to seventeenth century. A reference to Ijanagara could also be found in the *Koti Chennaya paddana*, and thus it looks contemporary to the creation of Attavara Deyyangolu and *Todakukkinar paddanas*. We

do not find any historical evidence to the existence of figures like Perumale Ballala, Panja Kemara Ballala, Enmuru Ballala. However there is mention about a church (*igarji*) in *Koti Chennayapaddana*. So we could infer that this *paddana* was spread in the region after Christianity was established, i.e., after sixteenth century. Jumadi *paddana* talks about the Gommata statue of Venuru. Looking at the priest worshipping the Gommata statue at Venuru, Jumadi is enraged and kills the priest. This statue was set up in 1603 A.D. Therefore we could decipher that Jumadi *paddana* was composed after 1603 A.D. A different version of Jumadi *paddana* alludes to Devu Punja's (military officer of Timmannajila of Venuru) fight with a Banga king. As Timmannajila ruled between 1600 and 1610 A.D., it is possible that Jumadi *paddana* was composed in the early half of 17th century⁸¹.

The town of 'Parangi pete' that falls on the road between Bantwala and Mangalore is referred to in the Sarala Jumadi *paddana*. The name 'paragi pete' has come to be associated with the town after the advent of *parangis* or people with guns, i.e., the presence of foreigners in this region. Ganapati Rao Aigal in his *Dakshina Kannada Charitre* claims that the name 'parangipete' is the result of Portugese settler activities here. In 1673 A.D. they made an agreement with Ikkeri Nayaks, and accordingly set many textile shops at Arkula. It is hence possible that this *paddana* was in circulation after the end of sixteenth century.

Further, there are many *paddanas* narrating the *bhuta* miracles and circulation that do not indicate the time period to which they belong. They mention about the different local kingdoms and feudatories that ruled Tulunadu like Banga, Chouta, Savanta, Ajila, Bhaira, Heggade, etc. All these dynasties were influentially active in Tulunadu between fifteenth to seventeenth century. Consequently, all the above discussed *paddanas* also belonged to sixteenth and seventeenth centuries. It is therefore not objectionable to consider all the *paddanas*, especially those related to *bhutaradhane*, in entirety as belonging to fifteenth, sixteenth and seventeenth centuries⁸².

With Folk Studies assuming new dimensions in the international academia, the study of *paddanas* have also embarked on a new path. While we engage in devisal research in order to reconstruct the Tulu culture through *paddanas*, it is also essential to adopt new methodological approaches in its analysis. No *paddana* gets transmitted orally from one generation to the other without undergoing shift and modifications. It gets recreated in

each of the performative contexts. One does not need to consider a particular version as authentic or better. *Paddanas* emerge as varied texts or editions according to the different context, medium and audience in which it is played out. However, there remains no alteration in the overall plot structure of these oral compositions.⁸³

Paddanas are the oral songs transferred in poetic form for generations via the unlettered protagonists. There are not fossil-like poetic compositions of the ancient period remained in people's mouth.⁸⁴ Parry-Lord⁸⁵ has proposed the '*Oral Formulative Theory*'⁸⁶ in order to understand whether an oral text gets transferred through singer's memorization, or it gets recreated in each performative context by the singer. Through this theory he proved the principles working behind the textualization process of an oral composition.

An outline of the story is always embedded in the psyche of performers who heard and sang the *paddanas* innumerable times. Formulaic devices are stored in the mental text of the performer as he or she has developed the strategy of always presenting matters in a formulaic style itself. Some singers are more adept in these strategies. It is possible to lyrically render any narrative once the plot line and the formulaic system are engrained in the performer's mind.⁸⁷

Paddanas are a very significant oral source in reconstructing the history of Tulu Nadu. They assist in producing a people's history by portraying the inequalities, exploitations and feudal system existing in the society.⁸⁸ As the traditional history is predominantly based on written sources it largely concentrates on the literate, powerful, ruling and affluent people's lives and deeds. Since the inscriptions are, especially, written at the behest of the authoritarian rulers they merely describe the rulers' grandeur and wars; heralding their charity works; honouring the brave who sacrificed their lives; etc. Despite the large number of inscriptions found about women, most of them are composed only to hail her tragic sacrifice. They are meant to glorify her death as an embodiment of virtuous ideals of life.⁸⁹ By installing the commemorative hero stones (*veeragallu*) in praise of a warrior's death in the battlefield by describing it as 'garuda' 'lenkavali' etc, his deeds are hailed as ideal merits. This is also an attempt at glossing over the difficulties and distresses of that particular individual's life. Thus, the picture of lived realities of common people has not become an integral part of the conventional history of Indian nation.⁹⁰

Conventional' history constitutes an essential component of cultures that have not adopted literacy, school education and print medium. It is therefore highly important for countries like India and Africa to incorporate oral tradition as source for constructing history. A large population of these countries has survived as non-literate, and therefore they could not find place in the written records of history. It was necessary for modern historians of Africa to explore oral tradition as significant material in creating the negroes' history.⁹¹ The generational history that is offered by the folk cultures thus becomes important. It is momentous to utilize the sources from oral tradition in order to also narrate the lives of a large section of subjected people who are unlettered but otherwise learned.⁹²

Even in cultures where literacy, education and print medium have a dominating presence, a large number of people will have maintained their own oral tradition. This tradition will be distinct from the conventional written history.⁹³ In order to gauge the historical validity of oral tradition, American historian and folk scholar Richard M. Dorson in his article "*Historical Validity of Oral Tradition; Folklore and Traditional History*" suggested the following standards:⁹⁴

1. Folk factors that prepared the ground for historical events.
2. Identifying personal and emotional leanings that affected in altering a tradition.
3. Comparing the multifaceted traditions in order to discover their semblance and dissimilarities.
4. Comparing a tradition with the written records and corroborating it further.
5. Substantiating a tradition by focusing on its geographical diversities.

This means to utilize the details regarding articles used by ancient people in their day-to-day lives in order to authenticate the elucidations made in a traditional history.

6. Understanding the activities and inclinations of the presenter.

With a help of the above guiding principles, historians could deploy materials from oral tradition in a much more confident manner. In this light, *paddanas* assume a great significance in Tuluva context as well.

Paddanas are also important in another way to us. They define the aspirations and messages of *bhutaradhane*. Any scholarly endeavor should start from the premise that *paddanas* and *bhutaradhane* display the prosperities of Tuluva life. The world-view, life values, beliefs, behaviour, sensuousness, aesthetics, clothing, ornaments, cosmetics, games and amusement, household practices, agriculture, commerce, class feuds, caste hostilities, exploitation, and so on are visually recreated in *paddanas*. All these factors are intricately connected in Tuluva lives.

B.A. Vivek Rai in his *Tulu Janapada Sahitya* has analysed the Tulu folk literature in detail, especially *paddanas* related to *bhutaradhane*.⁹⁵ Placing Panjurli *paddana* at the centre of contemplation, Rai has examined various aspects of Tuluva life like cultivation practices, conceptions of family deity, sexual behaviours, transition from forestry to agriculture, etc with both anthropological and cultural studies' frames of analysis. He has further elucidated the connotations offered by sociological and political conflicts in his study of Kakuda-Kallurti, Koti-Chennya and Siri *paddanas*.⁹⁶ While identifying the political implications underlying in Kalkuda-Kallurti *paddana*, Rai has emphasized the necessity and possibilities of incorporating *paddanas* as sources for history writing.⁹⁷

Any attempt to understand *paddanas* should involve several stages of analysis keeping their period and context in focus. This would help in unearthing the multiple turns of meaning and messages embedded in it. They are extraordinarily well-crafted pieces of literature employing the best of Tulu language. Not only do they bear societal relations but also involve social and cultural inspirations within. Although the subjects, stories and incidents in *paddanas* are diversely scattered, a different design has to be laid out while rendering them as finished products of literature. Embedded similes and metaphors in incidents and circumstances have to be accordingly deciphered. *Paddanas* thus disseminate the conflicts and congenialities of human relationships existing in and conveying to all times.⁹⁸

However, deploying *paddanas* merely to glorify Tulu culture will not assist in revealing their distinctiveness. The unwritten sources should not be venerated so as to replace the written ones.⁹⁹ As *bhutaradhane* is conducted to suit the ostentatiousness of an affluent upper class, it naturally goes against the very spirit of *paddanas*. Despite the rebellious undertones of *paddanas*, it is only the feudal set up that guides its performance in the ritual context.¹⁰⁰

In contemporary times, *paddanas* have gained significant bearing on different caste and community identities as well. Bunt, billawa and mogaveera castes have appropriated deities representing their respective castes.¹⁰¹ One could also observe the renovation of *bhuta* structures directly in commensurate with the economic prosperity of castes.¹⁰² Deities belonging to lower strata of the society have remained ignored in such situations. The history redrafted with the help of *paddana* will not lend itself as an alternative history if it fails to capture the contemporary political pulses.¹⁰³ The prominence of *Siri* and *Koti Chennaya paddana* should also be viewed from similar caste perspectives in Tulunadu. Because, not all the deities and their respective *paddanas* have achieved equal significance in terms of ritualistic observance or scholarly attention. There is a selective process working behind which is, in fact, guided by preconceived notions. This kind of prejudiced treatment will not help in arriving at any fruitful finding. Limiting *Siri* and *Koti Chennaya* to Bunt and Billawa castes respectively might hamper in creating the local or oral history of Tulunadu.

Tuluva society depicted in *Paddanas*

The social and political life of Tulunadu is well represented in the oral tradition found here. Most of the Tulu oral epics have a geo-historical, legendary or mythical base. In turn they animate the landscape, history, legend or myth that sustains the folk tradition. They are replete with details on the political system, social relations, kinship organization, feudal structures, etc of Tulunadu. The elaborate and effectual manner in which *paddanas* depict the culture of Tulunadu is not found in any other genre of Tulu folk literature.¹⁰⁴ As they are in the narrative mode and are intricately connected with the worship tradition here, we could find a graphic representation of Tulunadu culture. However, circumstantial pressures have contributed in transforming many cultural factors. While some have disappeared altogether, some others have remained intact.¹⁰⁵ Accordingly, we could find a depiction of the Tuluva life of that period in *paddanas*. While one intends to deliberate on the judicial conceptions in *paddanas*, it is, at the same time, necessary to discuss in brief the society of that period. As poetic and storied genre *paddanas* contain many fictitious elements, in terms of multifarious culture they are very close to reality. *Paddanas* narrating the origin of *bhutas* do not describe culture in sufficient detail.¹⁰⁶ However, *paddanas* reciting the benignancy and dissemination of *Bhutas* carry the portrayal of Tulu culture to a great extent.¹⁰⁷ This explains why such *paddanas* are more prevalent in Tuluva milieu.

Towards picturizing the culture of Tulunadu, two *paddanas* that are not related to *bhutas* but are nevertheless prominent are *Siri* and *Koti Chennaya paddanas*. Compared to *paddanas* of other *bhutas*, *Siri* and *Koti Chennaya* are more detailed in their dwelling on cultural features.¹⁰⁸ They are connected to two prominent social groups in Tulunadu called Bunt and Billawa. By being intricately associated with their incidental histories, these *paddanas* have acquired the proportions of folk epics.¹⁰⁹ Bound by the dissertational limit, I have restricted my focus on social structure in Tuluva culture, and have discussed other issues as per contextual requirements.

We can witness the contemporary castes or social groups of Tulunadu in *paddanas* as well. Interrelation between different occupations, and identifying castes based on occupation could be observed in *paddanas*. Bunt, Billawa, Jain, Brahmin, Mogera, Pambada, Parava, Nalke, Mera, Bakuda, Koraga, Mulya, Balyaya, Bhandari, Madivala, Jogi, Akkasaliga, Badagi, Ganiga, Mapille, etc., are the chief communities mentioned in *paddanas*.¹¹⁰

In his book *Prachina Tulunadu* Polali Sheenappa Hegde refers to a song sung by Harijans.¹¹¹ This song mentions some of the castes of Tulunadu and the existing interrelationship between them. The chief castes alluded in this song are Bunt, Mogaveera and Billawa, and their traditional occupation are noted as agriculture, toddy tapping and oceanic activities respectively. It narrates the way communities have moved away from their generations-old means of livelihood, so as to adopt newer activities. Further, this claim could be evidenced through a study of the clan names of matrilineal social groups.¹¹²

Kalkuda *paddana* refers the manner in which siblings adopted different branches of the same sculptor profession. To capture its gist, “five artistic offshoots for five sons, carpentry for the eldest, iron works for the second, goldsmith for the middle, copper work for the fourth and stone masonry for the youngest son.” Over a period of many centuries dissimilar communities have arrived and got co-mingled with the local populace of Tulunadu. Although *paddanas* record few instances of feud, there is no mention of any major conflict between these two groups of people. Except for some political reasons, communities of different caste and religion seemed to have existed in harmony all through.¹¹³

Most of the peoples of Tulunadu have historically been communities following a particular occupational activity. Eventually same occupational units are converted into caste groups. However, like in any modern society in contemporary period, most of such caste groups have lost the connecting link between caste and their modes of living.

Caste Brahmins have been depicted as people connected with religious activities in Tulu *paddanas*. Despite their eventual entry into Tulunadu and its caste structure, they have attained a superior status in hierarchical ladder. Although Bunt and Jain castes had a significant stature within the society, Brahmins assumed a higher social respect and recognition.¹¹⁴ They appear in different forms in the *paddanas* pertaining to *bhutaradhane* like prophesizing Brahmin (*balimeya bhatta*), horoscope Brahmin, ritual question (*prashne*) Brahmin or ritualistic brahmin during the construction of *bhuta* shrines and associated religious observances.¹¹⁵ There are also *tantri* among Brahmin caste who were left with a piece of land (*umbali*) to conduct temple services. Bama Kumara *sandi* contains reference to this: “conduct dawn’s *panipuje*, noon’s *mapuje* and night’s *santipuje*, and here you get twelve *umbali* for twelve months.”¹¹⁶ Allusion to *Balevail Bhatta* and *Dere Bail Bhatta* is made in *Jarandaya paddana*.¹¹⁷ If there is any trouble created by a *bhuta*, the chief of the household consults a Brahmin called *Balime Bhatta*. He consults *balime* or looks into *panchanga* and suggests the deity to be appeased and the mode of doing it. Most often it is erecting a shrine and offering services to it.¹¹⁸ Inflicting any harm on a Brahmin and the impending consequence is explained in *muggera paddana* thus: “Do not strike a Brahmin, it carries the sins of killing a cow, of killing a mother, and the sins of killing me.”¹¹⁹ It was generally believed that violence against Brahmin carried no means of atonement.

Mukambe Jevu and other *paddanas* recall that Brahmins from Tulunadu frequently commuted to Kerala for *shanti puje*. Sarala Jumadi and Mudader Kala Bhairava *paddanas* talk about the temple built by Brahmin. This confirms the worship centre of brahmins as temples. Koti Chennaya *paddana* also records a distinct practice maintained by Brahmin caste in that period. As a female called Deyi attained puberty before tying the nuptial knot, she was left in the forest blindfolded. She was later raised by a Billawa called Sayana Baidya, and she eventually gives birth to the twin brothers Koti Chennaya. Brahmin also engaged in agricultural activities is the information we can acquire from Koti Chennaya *paddana*. When Enmuru Ballala asked Koti Chennaya about the kind of field they required, he mentioned the land tilled by Brahmins. ‘Do you need the land

cultivated by Brahmins, Berampalli?’ he inquired.¹²⁰ *Siri paddana* contains detail about the *umbali* land given to Brahmins towards conducting temple activities.

Paddanas throw plenty of light on one of the prominent communities in Tulunadu, Bunts. Nevertheless, it is difficult to locate similarities of Bunt gesture in such details or implications.¹²¹ *Siri paddana* dwells in detail on Bunt society, and in other *paddanas* they are either central or secondary in representation. *Siri paddana*, however, is unidirectional in its focus on Bunt community; in its vivacity, emotions and struggles.¹²² There is also reference to Bunt caste in *Koti Chennaya* and *Sarala Jumadi paddanas*. The word ‘Bunta’ and its equivalents ‘*okkelme*,’ ‘*okketri*’ and ‘*okketura*’ are used in *Siri paddana*. Sociologically *Siri paddana* is of high quality, unfurling the story of four generations of Bunt family. Societal conducts and practices of Bunt feudal households are captured in *Siri paddana*. The large dwelling houses of Bunt are not just referred to as *guttu* house, but as *guttu eremane* in *paddanas*. the grandeur of Basarulu chief Bermalva is expressed in, ‘capturing a view of the hill tracts sitting on the terrace of a seven storied bungalow.’¹²³ In *Koti Chennaya paddana* Bunts are called as *barage* in the poetic line, ‘did Bunta’s son *barage* pass this way?’ There is a practice of addressing bunts as *barage* in Tulunadu. *Bhutas* during *bhutaradhane* speaks to them as *baragere*.¹²⁴ The term *baraga* might have originated from the word *bar*, meaning paddy in Tulu, and *maga* refers to a member of that lineage. It is likely that as paddy cultivation has traditionally been the major occupation of Bunt caste people, they are also addressed as *baraga*.¹²⁵

While seeking the twin brothers’ opinion on the piece of land they required, Enmuru Ballala asked in *Koti Chennaya paddana*, ‘Which field do you need? Is it the *guttu barke* of Bunts (*okkelaya*)?’¹²⁶ *Okkelaya* here means a farmer or agriculturalist. *Sarala Jumadi paddana* mentions the misdeeds of an *okkelme* called Dugga Bhandari who created nuisance in the house of Kocha Rai and Tyampa Rai. The word *Okkelme* here refers to Bunts, and ‘Bhandari’ appears as the surname of a Bunt caste. Likewise, ‘Rai’ also is one of the many surnames under Bunt caste.¹²⁷

Many individuals from bunt caste and their socio-cultural details are also available in *Siri paddana*. The then picture of a Bunt society is woven around the characters of Berma Alva, Kantu Alva, Shankaralva, Kodsaralva, Kantu Punja, Siri, Sonne, Abbaga, Daraga, and so on. Various customs associated with birth, death, funeral, baby-shower, marriage,

puberty, village council, entertainment, and so on, are illustrated in *Siri paddana*. Surnames like Alva, Heggade, Punja, Marda, Shetty, etc., are commonly noted. Social organizations like *guttu*, *balike*, *parari*, *bava* are discussed. Singular socio-cultural practices of Bunt community like matriarchy, nephew inheritance, divorce and remarriage, nature of dowry, etc are explicated in the *Siri epic*.¹²⁸

Another community in Tulunadu, Jains is also described in the *paddanas*. Majority of them have followed the nephew inheritance system of property management like Bunts. The local kingdoms that ruled Tulunadu largely belonged to Jains who either functioned independently or as feudatories from thirteenth to seventeenth century like Bairarasa of Karkala, Banga of Bangadi, Chowta of Mudabidire, Ajila of Venuru. Under the British rule, they occupied the administrative control of small units called *beedu*. Such Ballalas are described in the *paddanas* as well. To quote few examples: Padumale, Panja and Enmuru Ballal are mentioned in *Koti Chennaya paddana*, Mardala Ballala in *Panjurli paddana*, Malara Ballala in *Malara Panjurli paddana*, and so on. Some such and other Jain feudatory rulers are part of the world created by *paddanas*.

However, the Jain kings who appear most prominently in *Tulu paddanas* are Bairarasa of Karkala and Ajila of Venuru. These two historically significant clans who built Gommata statues at Karkala and Venuru and other Jain monuments are described at length in *Kalkuda-Kallurti paddana*. Banga of Bangadi and Chowta kings constitute a part of *Vajranda Kumara paddana*.

Although prohibited in their religious enclose, Jains have always worshipped the *bhutas* and archaic ancestral deities of Tulunadu. *Jumadi sandi* traces the travel of local deities into the fold of Jain beliefs thus: *So far we didnot allow any other deity into the premises of our Basadi. How do we alter this structure now? Our guru would be displeased with this as well. While pondering over this, the enraged bhuta inflicted harm on another Jain, leaving him dumb and limbless. A Jain present said, it doesnot seem appropriate to contest the bhutas. Let us, however, start worshipping them.*¹²⁹

Bhutas have a significant role in sustaining the feudal system in Tulunadu. The Jain kings who ruled here were able to comprehend this truth at a very early stage. *Bhutas* have generously been employed to suit their circumstantial needs by other communities in the region as well. While one is engaged in locating its cultural basis, it is therefore essential to note the exploitative tendencies within *bhutaradhane* and not just its benign

countenance.¹³⁰ Koti Chennaya *paddana* alludes to the different kinds of taxes levied by the three Jain kingdoms of Mula, Chowta and Banga.¹³¹ There is a reference to Belagola Ballala's *poso* in Kalkuda *paddana*. *Poso* is a Jain religious rite implying their dinner before sunset. This meal is called as *posoda oota* (meal).¹³²

The Jain religious centres of *Basadi* are touched upon often in *paddanas*. Sarala Jumadi *paddana* mentions the *Basti Kadate* built by a Shetty.¹³³ Mudeder Kala Bhairava *paddana* states that many *Basti Kadate* were constructed by Shetty(s).¹³⁴ Though *basadis* are built by shetty, this nomenclature here applies to Jains. The Jain community members who were merchants in occupation were referred to as 'Jain Shetty's.' The surname shetty is still in prevalent among Jains.

Another major community of Tulunadu is Billawas who are identified by different surnames like Biruva, Baidya, Pujari, etc.¹³⁵ The titles of Biruva and Baidya are more commonly used in *paddanas*, indicating their chief occupation of toddy tapping. Extracting the toddy has been a traditional means of livelihood adopted by the billavas.¹³⁶ The other subsidiary occupations of archery and medicine are also mentioned in *paddanas*. Through the Billawa heroes Koti and Chennaya, a comprehensive picture of that community is offered by the Koti Chennaya *paddana*. Birmanna Baidya is called for to treat the poisonous thorn in Ballala's feet. Eventually Sayana Baidya and his sister Deyi Baidedi are requested to tend to the wounds of Ballala. Therefore, there is enough scope to assume that the term '*baidya*' is an equivalent of '*vaidya*' or doctor.

The term *baidya* is mentioned a number of times in the ritualistic context of *Bbhutaradhane*. In a line Bobbaraya *paddana* expresses anxiety about the absence of a Baidya during the ritual. A Billawa woman Deyi Baideti is mentioned in Sarala Jumadi *paddana*.¹³⁷ One Palane Pannaya sought Devu Baidya's help in finding a priest (*patri*) for *sthana* (*Bhuta* shrine) in Jarandaya *paddana*.¹³⁸ Posa *bhuta paddana* recounted how a woman followed Korngotti Baidya in order to collect the auspicious sandal paste in his hands.¹³⁹

If the term Baidya appears as a professional referent, in *paddanas* it is actually deployed to identify the Billawa caste.¹⁴⁰ In Koti Chennaya *paddana*, villainous Budyanta questions the validity of Billawa youth engaged in cultivation. The term *biruva* used here implies their caste. Budyanta's query clarifies that agricultural activity was out of the occupational purview of Billawas. In the same *paddana*, at many places Koti Chennaya

are referred to as *bambel* or *banter*. Various references like ‘otherwise rare, why have the *bambel* come here?’,¹⁴¹ ‘in the chest of *bamber*’,¹⁴² are made in *Koti Chennaya paddana*. Further this *paddana* is also popularly called as *bambere sandi*. Contrary to the way it appears, addressing Koti Chennaya as *bember* or *Bunta* doesnot refer to the caste Bunt but as the qualifying adjectives of warrior, brave, etc.¹⁴³

Mogaviras or Mogerass in Tulu Nadu have traditionally followed the occupation of fishing. The term Marakala is also synonymously used with mogavira these days. *Koti Chennaya paddana* mentions about a *mogera* carrying a bow in his hands.¹⁴⁴ It opens the possibility of mogerass being warriors as well. The name mogavira might be appropriate in such a case. In *Panjurli paddana*, Ballala demands *marakala* to shift wood from one place to another. A paraphrase of their reply is as follows: ‘*Ayya*, do we dare to deceive our lord (*odeya*)? We have been living in harmony with god and earth. We are not betrayers of that kind. We embark on our ships and sail in the ocean twice a day. We catch fish and sell for our living. People of this nature, we will not lie to you ever.’¹⁴⁵ This clearly marks fishing as the chief means of livelihood for mogaviras. Further Ballala’s demand to employ them for wood cutting also interlinks their profession with the name *marakala* which means cutting the trees. People engaged in fishing are also required to cut necessary woods and prepare ships. It is therefore probable that despite fishing being their major occupation, Mogavira might indulge in wood cutting as part of the other fishing-related activity, and thus the name *marakala* doesnot echo inappropriate in addressing them.¹⁴⁶

There is a reference to *marakala* setting out for business on a ship. In *Ketu Pandi paddana* Eddodi Marakala built a ship to conduct business transactions. *Vajranda Kumara paddana* recalls the deed of a *marakala* boy who hands over baby Vajranda Kumara to grandmother.

People engaged in wood, gold and iron work are called as *Vishwakarmas*, however in *paddanas* they are referred to as *achari*.¹⁴⁷ It is also appropriate to address them honorifically as artists. *Koti Chennaya paddana* mentions about the *vishwakarma* who is engaged in work related to ploughing tool.¹⁴⁸ Both *Panjurli* and *Bobbarya paddana* records about the same *vishwakarma*’s work carpentry or wood work. Their ship building skills are also discussed. *Kallurti* and *Bobbarya paddana* alludes to the term *male nadechava*.¹⁴⁹

Based on the varied nature of their work, *vishwakarma*'s might have gained different titles: "one working with wood as *malenadecchava*, one with iron as *nudtalacchava*, one with copper as *bimmutagare*, one with gold as *yaranne*, one with stone as *kalkude*."¹⁵⁰ The word *malenadecchava* might have been a derivative of 'the *achary* of *malenadu*' or *malenadaachary*, *malenadaacchava*, *malenadalacchava*, *malenadacchava*.¹⁵¹ Kanjirlu *paddana* refers about one *isakarmiachary*.¹⁵² *Isakarmi* here is a modified form of *vishwakarma*. Lord Vishwakarma is the deity worshipped by *achary* groups. Wood, stone, gold, iron etc are varied branches of the main *achary* unit.¹⁵³ In this light, the Kalkuda-Kallurti *paddana* which has the stone sculptor Kalkuda as the protagonist is of paramount importance. Even to this day, people engaged in stone masonry are called as *kallu-kutti* here.

Some other prevailing castes of Tulunadu recorded in *paddanas* are *madiwala*, *kottari*, *kumbara*, scheduled castes, *ganiga*, *kanchikara*, *samagara*, *muslims*, *christians*, and so on. A meeting between Koti Chennaya and a *madiwala* or washerman is captured in the Koti Chennaya *paddana*. *Madiwala* profession is also mentioned in the *paddana* of Amasaranda Mennodi. A caste group of *kottari* is talked about in many *paddanas*. For example, Kemara Ballala in Koti Chennaya *paddana* instructs the *kottari* to be seated in the courtyard of his throne hall. Although *kottari* indicated an occupation earlier, it has now come to be identified as a caste title. The storekeepers of palace (who looked after the granaries) were called as *koshtakara*, and this word might have transformed into *kottari* eventually.

Different denominations of scheduled caste like Koraga, Pambada, Mansa, etc are described in detail in *paddanas*. Koraga Taniya *paddana* narrates the story of a scheduled caste Koraga boy Taniya. The same *paddana* also makes reference to *koppada koraga*. The dwelling house of Koragas was earlier called as *koppa*. Occupational practices of Koragas are described in Koraga Taniya *paddana*. In order to make the thousand rice-gruel drainer (*kai kudupu*) Taniya's mother had promised as offering to Kadire temple, Taniya requests the special knife called *pimpili katti*.¹⁵⁴ It is a thin, curved knife used by Koragas in preparing fibrous artifacts like drainer, basket, etc. This incident throws light on one of the chief occupation of Koraga community.

Other scheduled castes like Mula and Bakuda are also given a glimpse through *paddanas*. *Mula* refers to a kind of hereditary slave service rendered under one

household chief (*Yajamana*) for generations. Koti Chennaya *paddana* carries detail about Bakuda caste in the following lines: Koragas of Koppa, Muggeras of Oni and Bakudas of bail.' This line indicates the dwelling arrangements of muggera and bakuda castes.

Sarala Jumadi *paddana* elaborates on the group-specific structures and planning prevalent in its period. In a line while describing the explorations of a character, it records that *Basadi* was built by Shetty, temple was built by a Brahmin, and that lanes were particularly laid out for *Kanchigaras* and *Chammukaras*. *Kanchigara* and *Chammukara* or *Samagara* here represent two occupational groups. Interestingly, there is no reference to *Kanchigara* lane anywhere else in Tulunadu inscriptions. People engaged in copper-related work were called as *Kanchikara*, and those occupied with leather were *Samagara*. Both these occupational castes had demarcated lanes for their residential needs.

Bale Kinyamu *paddana* talks about the *bovis* who carry palanquin. Likewise, Todakukkinar *paddana* mentions about oil rigging people (*ganadakulu*) of that period. Cattlemen community (*govala*) occupied in rearing cows are cited in Koti Chennaya *paddana*. They appear as intelligent children solving riddles along with Koti and Chennaya.¹⁵⁵

Members from muslim community also figure in *paddanas* of Tulunadu. It is likely that a connection was built with muslims through trade activities, which is evident in the way they are addressed as *byari* (archaic form of *vyapari*) meaning merchants. Furthermore, even in the *paddanas* they are chiefly identified as merchants, engaged in business transactions.¹⁵⁶ An exemplification of this is Bobbarya *paddana* wherein Bobbarya is a muslim merchant (*byari*), eventually elevated to deified status. As the narrations goes, Bobbarya is born in Goa and brought up in Kochi by mother Fathimma and father Sulikalla Murave Byari.¹⁵⁷ A different version of the same *paddana* recounts that Bobbarya's mother was a Jain woman with a poisonous serpent hidden in her nose, which caused the death of many men. However, a muslim married her and finally slaughtered the venomous ophidian with his conniving brilliance.¹⁵⁸

A sufficient detail of muslim *byari* is also available in Korati *paddana*. An excerpt from its incidental narrative goes like this: *Makkena Mayina Byari lived in Makkare Mantapa. Makkere Taniya was the servant of his household. The Byari had seven sons-in-law. As the fasting month of Ramzan approached, Mayina Byari called Taniya and directed to*

carry out some necessary tasks. He said, 'Buffalo race (Kambala) is round the corner and the fasting month is also close at hand. Go ahead and tie kodi to the coconut trees. If not, my sons-in-law would pluck the tender coconuts.'¹⁵⁹

Another instance of a muslim being transformed into *bhuta* like Bobbarya is Ali *bhuta* or Ali Chamundi *bhuta*. As the chronicles of Ali's life is recounted in *Ali paddana*: *There lived a muslim sorcerer called Al'byari in Arikadi of Kumbale region. Unable to endure his womanizing tendencies, Ali was transformed into Ali Chamundi bhuta with the tactics of another bhuta. Therefore, as both Ali and Bobbarya were Muslims originally, their costume during festivities (utsava) is different from that of other bhutas.*¹⁶⁰ It reflects the influence of Islamic culture to a large extent. Further, mosque or the religious centers of muslims is specified by the term *palli* in Tulu, and there is a reference to such *palli* in *Koti Chennaya paddana* also.

Christianity spread in Tulunadu in sixteenth century after the arrival of the Portuguese. *Todakukkinar paddana* mentions about Christians (*kristandakulu*). We could note that they have found place in the Tulu *paddanas* once they settled in the region. At one point in *Koti Chennaya paddana* it is asked, 'is it the Church (*igarji*) of *kudumba*?' *Kudumba* here refers to the Roman Catholics speaking Konkani language. This query in *Koti Chennaya paddana* implies that churches were already a part of Tulu society by the time these warriors arrived in the Tulu scene.

Paddanas also carry information about the different households belonging to the upper strata of Tulu society. Huge mansions of Ballalas were called as palace. *Paddanas* like *Koti Chennaya* provide details of Ballala's mansion (*beedu*), their administrative portico (*chavadi*) and chair of rule (*gaddige*), etc. Likewise *Siri paddana* furnishes sufficient understanding about small portico (*chavadi*), painted hall (*chitramantapa*), air towers (*galigopura*), schooling hall (*barahadasale*), seven storied divine room (*yamagunda*), swing, holy plant at the veranda (*padmakatte*), *Mari* shed, huge irrigators, etc

Payya Baidya's house in *Koti Chennaya paddana* is depicted as that of a middle class workman. It consisted of barrier in a small passage,¹⁶¹ tumbler to fetch water from the well, big shed, storied house, vegetable creepers, a foyer for auspicious plant, veranda in the front, and so on. A fairly prosperous Baidya's household is described thus in

Kanyapu *paddana*¹⁶² “twelve parts of cultivation field, twelve tumblers of toddy, twelve pots full of pickle and twelve black hens.”

People created social groups and lanes so as to suit their class, occupation and other necessities. There are different names for lanes of different communities. For example, *Berempalli* of Brahmins, *Setti pattana* of Shettys, *Marakelarena patna* of Marakelas, *Mugerere oni* of Mugerars, *Koragere koppa* of Koragas, *Bakudera bail* of Bakudas, *Baidyara nattil* of Baidyas, *Kanchigara keru* of Kanchigaras, and so on. Accordingly, as per the hierarchical status of caste people had houses of different names and stature like *Dattige*, *Koppa*, *Kotya*, *Jera*, *Gudichil*, *Patt*, *Botta*, *Budu*, *Barke*, *Nattil*, and so on.

Despite the stronghold of caste compartmentalization, there were instances of crossing these barriers. *Paddanas* have successfully recorded the fleeting moments when caste bounds were transgressed to display humanity. To quote a few instances: the orphan Koraga child is raised as a son by Mairakke Baidedi. The Brahmin girl Deyi who was left blindfolded in the forest was raised as his sister by Sayana Baidya. The child of a mugera woman who had died after child birth was saved and brought up by Kodange Bannara. When Deyi experienced extreme labour pain, Perumale Ballala offered his diamond ring to lord Brahma.¹⁶³

Brahmins occupied the highest position in the caste hierarchy of Tulunadu. Although the influence of Bunt and Jain castes was relatively noteworthy within the society, Brahmins attained a higher social respect and recognition. They left a significant effect in the region by conjoining vedic culture with the indigenous practices like *bhutaradhane* that uniquely existed here for centuries. Through such acts, they attained estimable recognition from the community members.¹⁶⁴

Paddanas offer a picture of different caste groups of Tulunadu living in harmony. *Paddana* of Sarala Jumadi is one such example.¹⁶⁵ When some difficulties occurred at the household of Duggappa Bhandary due to the wrath of Jumadi *bhuta*, all the villagers come together to erect a *bhuta* shrine. Also, untouchability was prevalent to a great extent, and it was not considered as social evil by the practitioners.¹⁶⁶ A reference to this could be derived from the Perumala *Sandi* in Koti Chennaya *paddana*. After being treated by Deyi's medicine for his wound, Perumala Ballala says “*I will construct seven temples for being defiled by Deyi Baidedi's touch. And, I will replace the seven plaited*

sacred thread on my shoulder with a new one."¹⁶⁷ Thus, the element of untouchability was socially acceptable during those days.

Hospitality to the guests was also guided by the caste hierarchies prevalent. This discrimination according to caste status could be noted in *Acchavere sandi*. The seating arrangements were demarcated in following terms: if one is a Setty son Senava he should sit in the platform of Jackfruit tree in the eastern side. If he is a Bunt baraga he should be seated on the stool at saroli dais at west door. And, if one is of the same caste, he could sit in on a wooden plank on the flowery bed.¹⁶⁸

Similar instance is recorded in *Koti Chennaya paddana* as well.¹⁶⁹ Their sister Kinnidaru insists, "*If you belong to the Brahmin caste wearing sacred thread, be seated near the sacred plant (padmakatte). If you are from the Bunt caste be seated under the shed erected, and if you hail from the same caste please be seated in the swing in the verandah.*" *Paddana* also contain references to mocking the deities belonging to other social groups. One Seka Kochalu of Ullala guttu refuses to take sacred victuals from a Billava *bhuta*. Thus he expresses discrimination against a lower caste deity. Cultivational details of Tulunadu are also available in *paddanas*. *Koti Chennaya*¹⁷⁰, *Posa Maharaye*¹⁷¹, *Pili Chamundi*¹⁷², *Siri paddana*¹⁷³ *Amasaranda mannodi paddana*¹⁷⁴ *Malara Panjurli*¹⁷⁵ *Karnage*¹⁷⁶ and *Baliyendra*¹⁷⁷ *paddanas* in particular contain much information about agricultural activities.

The word *benni* is generally used in Tulunadu to refer both agricultural activity as well as the land cultivated.¹⁷⁸ *Koti Chennaya paddana* offers details about paddy cultivation – the pre-cultivational processes, equipments used, seasons followed, cultural activities around agriculture, etc. A. Manner's *Paddanolu* contains *Koti Chennaya paddana* and it describes the cultivational acts in following words¹⁷⁹: "In order to cultivate properly, they adjusted the field boundaries and arranged burnt soil around. On the eighteenth day of *Paggu* month they ploughed the field with four bulls. Thus they raised the crops." Damodara Kalmady's text also provides detail about the *Suggi* agricultural activities of *Koti Chennaya*.¹⁸⁰

Kollura Mukambe Jevu *paddana* informs us that brahmins also cultivated the land. It is recorded that the a Brahmin Kadambara Mayya, who figure in the *paddana* owns thousand *mudi* land in the plains and hundred *mudi* or *mura*, fields in the mountains. The Ballala of Paranki *beedu* also engaged in agricultural activities and this is mentioned

in the Kappettu Panjurli *paddana*. Koddabbu Tannimaniga *paddana* alludes to a agriculturist of large field called Kodange Bannar. In Baliyendra *paddana*, king Baliyendra is referred to as 'son of the soil, Baliyendra.' Here the son of the soil indicated his agricultural activities.

Many *paddanas* also describe the different facets of trade in ancient Tulunadu. The major trading activities mentioned in *paddanas* include travelling to different places on sea and the trade of animals brought from across the ghats. The maritime trade activities are detailed in Bobbarya, Ketupandi and Attavara Deyyongolu *paddanas*.¹⁸¹ Bobbarya *paddana* records the muslim *byaris*' trade of day-to-day articles like wheat, ragi, clothes, toddy, tobacco, jaggery, sesame, oil, tender coconut, beetle leaves, areca, etc on the sea shore. They eventually engage in shipping business. *Paddanas* term this trade as 'padaavuda bero.' The following lines from Bobbarya *paddana* give us a picture of the shipping trade of those days: "They filled all the village's wheat into the ship, and set sail opening the silken skiffs. With the strong wind they sailed down towards the southern countries. They conducted business in Makka Makayi, and also rooted the anchor in an island. Then they did business in Kochi. It has been one year six months since the left home, and all the riches of gold, pearl, diamond and so on filled in their hands."¹⁸² This lends a clear view of the trading activities conducted in those yesteryears. Structure of the ships, camping at different places and islands to carry out business, etc are detailed here. The transaction of rice and wheat as staple items is reflected in these *paddanas*.

Ketupandi *paddana* records that Eddodi Marakala built a ship to carry out his business. Attavara Deyyongolu *paddana* also mentions trade using ship. Following words from it describes both the structure of ships and the kind of trading activities conducted: "They got the ship built. Sail was tied to the beam and anchor was set. Trade items were placed in the ship." Kannalaye *paddana* vividly describes the trading activities in the sea. Panjurli *paddana* records that Shettys engaged in shipping trade. Kantu Nekri *paddana* mentions the arrival of a ship to Penamburu port. Penamburu might have been a harbor for small ships of trade in ancient times as well¹⁸³.

Another important trade mentioned in *paddanas* is that of cattles. Panjurli, Jarandaya and Kannalaye *paddana* witness the selling of cattle from across the ghats in Tulunadu. It is interesting to note that even to this day the cattle fairs conducted in Subramanya and other places in Tulunadu draw a large number of sellers from across the ghats. These

paddanas record Bainduru, Basaruru, Karkala, Mangaluru, Bantwala, etc., are significant centres of cattle trade. The Muslim trading community of Navayats is also referred in the *paddanas*. Kantu Punja purchases a sixty yard length saree for his wife Siri's baby-shower ritual from one such navayat trader.¹⁸⁴

Terms such as Basruru Panne showel, Surati tobacco, Erodibaal shaving blade, and so on provides us a hint about the originary places to which they belong. The term 'kadalaparengi' refers to the Portugese merchants.¹⁸⁵ A merchant guild called '*nakhara*' is mentioned in a few *paddanas*. Bobbarya *paddana* gives us glimpse into the animosity within trading groups. A line here says: "*are you the muslim merchants of integrity or devoid of it?*" We could notice a possible intolerance towards unlawful deeds in the above line.

A comprehensive picture of Tulunadu's transport and communication system, education, attire, beliefs and practices, food, administration, etc are laid out in the *paddanas*. There are many references to the transport system and means of communication in *paddanas*. Crossing over the many streams and rivers has always been a challenge for Tuluvas. *Paddanas* provide detail about the way people travelled across these water bodies in the absence of bridges. The streams which were not very deep and didnot contain many threatening whirls were called as '*kadapu*', '*kadavu*' or '*kariya*.' Kalkuda, Kallurti, Barantaya, Kanapadittaya, and other, *paddanas* mention about the crossing of such '*kariya*.' The streams that were deep enough to pose problem were crossed with small boats. Kallurti *paddana* refers to the incident of sailing across '*ubara kadapu*' or the stream at Uppinangadi. The mode of transportation here is noted as a small boat or '*oda*.' Some *paddanas* also refer about the '*boating streams*' or '*odada kariya*.' *Paddanas* including one on Siri carry details about such means of transportation developed by the people of Tulunadu.¹⁸⁶

Another mode of connectivity between people, communication system is also detailed in *paddanas*. We note the chief means of sharing information as sending '*ole*' or written notes. This is indicated in Koti Chennaya, Attavara Deyyongal and Kalkuda *paddanas*. The preparation that goes behind such messaging service is also described in Koti Chennaya and Attavara Deyyongalu *paddanas*. A paraphrasing of such a pre-work is thus follows: "*They were sent to long mountainous tracts to fetch tender leaves from a short palm tree. Leaves were spread in gentle sunlight until evening. The edges of leaves*

were pruned. Words were written on them. The letter to the barber was sent in the hands of a servant who was paid for his service. He crossed over the palace in Nagaloka and reached Vijayanagara across the ghats. He thus reached the barber's house and delivered him the letter. The letter insisted the barber to travel immediately back in the route of the letter.”¹⁸⁷ Koti Chennaya *paddana* describes the process of preparing and writing the letters. Attavara Deyyongolu *paddana* alludes to the use of elephants and horses to transmit messages between different regions across the ghats. The kings might have deployed such services during their travels.

Although there is not information available about the nature of education, *paddanas* do carry some detail regarding reading-writing, the materials used, etc. ‘Vadakkan paat’ records how people travelled from Kerala to Tulunadu to learn the knowledge available here. Specificities about learning school, *mathas* of Aigal or teacher, apprentice's hut, sand writing, pencils, letters, memorization, texts, *shastraveda*, twelve lines, twenty four tables, etc are provided in *paddanas*. Bobbarya and Kannalaye *paddana* refer how boys learnt letters on the sand. Even girls could acquire schooling. Siri Akkerasu Poonjedi reads the letter and reaches the village council accordingly.¹⁸⁸ Further, Abbaga leaves behind a death note written on beetle leaf before committing suicide.¹⁸⁹

Three kinds of letter learning prevalent during those times, i.e., on the wooden plank, and on leaves is described in Bobbarya *paddana*. Different stages of learning are also noted in Kannalaye *paddana*. While writing on ... has been one of the most ancient means of learning alphabets, practicing on the palm leaves has been a later development. There is also a reference to the use of ink to write, and also even writing in English. All the above factors indicate that the culture of education developed in the region after the arrival of English in sixteenth century.

A picture of the different clothing patterns prevalent in Tuluva society could be derived from *paddanas*, especially the ornaments and attire of women. A woman's trousseau and the process of dressing are described in detail in Kallurti *paddana*. The elaborate picture of tying the hair, applying eye colour, wearing silk saree and blouse are vividly etched in this *paddana*. The list of ornaments gifted by Perumala Ballala to Deyi Baideti in Koti Chennaya *paddana* is as follows, “hanging earrings, flowery hairpin, silk blouse and emerald nose stud.”¹⁹⁰

In her travails across the region, Siri bestows her beauty and an item of ornamentation to different women she comes across, and this offers us a portrayal of the Tuluva women's adorning habits. Carrying 'gejjekatti' or a traditional knife during travels outside was a practice those days. After Sonne's betrothal her grandfather got handful of ornaments made. She was bedecked with many traditional jewellery like *baitale* for the hair parting, plait pins, *vonki* for the finger, rings for toes, *mudra* for hands, bracelets, anklets, chain for the neck, moon chain, pearl neck-chain, and so on.¹⁹¹

Like most of the ethnic communities across the world, Tuluvas have also developed a system of periodical rituals as observed during multiple stages of life from birth to death. These customary practices varied according to different castes in the region. This also elucidates the understanding that it is not in the nature of humankind to travel through either happy or sorrowful moments without a ritualistic observance to commemorate it.

Conceptualization of justice in *paddanas* – justice imparted or denied

With the above social and traditional background this thesis attempted to discuss the *concept of justice* as carried out in *paddanas* and the *paddana* stories, and also attempted to identify the rebellious stances in these texts. The oral narratives available in the region provide sufficient details about the social and political life of people here. These oral texts have a significant role as sources for recording the history of a region as they operate outside the conventional bounds of history writing. Adopting a different perspective as '*history from below*' they throw a diversified light on the community's journey. These folk sources assume a sneering attitude towards authoritative centres and lay bare their atrocities against the lesser-privileged. The folk heroes and heroines are, however, those who tend to overreach themselves in their bid to reach higher levels of action or response; this is what often makes these *bhutas* worthy of worship and attentions. The human aspiration to reach towards superman levels is represented in the epic heroes.

Paddanas are a representative of the multifarious aspects of Tulunadu. They draw our attention towards the exploitation meted out to the lower sections in society, and thereby lend voice to the otherwise voiceless groups. They provide instances of suppressing the rebellious articulation among such people. Being an intrinsic part of the *bhuta* and *daiva* worship here, *paddanas* express the uneasiness of downtrodden communities in such religious platforms. They draw heroes and villains from various communities, and

translate their bravery, sacrifice and deception into poetic forms. They offer as a suitable stage for the hitherto sidelined groups to express their fight against exploitation and the need to succeed in such dissensions.¹⁹² At least in the intermediary world of *daivas* and spirits, the exploited groups are provided an opportunity to rebel against hierarchized systems of power. They offer interesting insights into the communities that exert authority and disregard others for generations. Through such efforts, they provide different approach towards exploiting communities that is otherwise not available in other lenses.¹⁹³

But we should remember that the reversal of order achieved by these *paddanas* also, at the same time, doesnot ensure their permanence. Their ritualistic observances cleanse one's internal being merely for a temporary period. With the end of the ritual, the ancient hierarchical order falls in its place again. The meaning and travails of *paddanas* get subsumed in the pomposity and noise of *bhutharadhane* or in the sense of protection and peace achieved during those transitory moments.¹⁹⁴

The voice of revolt expressed in *paddanas* could be categorized into two kinds. One is that of a direct confrontation as portrayed in *Siri sandi*, *Koti Chennaya paddana* and *Kalkuda Kallurti paddana*. Apart from these, many other *paddanas*, *kabita*, folk games, proverbs and riddles, dances record a silent revolt against the social and political systems of exploitation. To cite an example, the 'Tiger and Cow game' played in villages is a mockery of systemic authority. The 'Crow-Parrot game' generally played by girls also conveys the same message.

Siri paddana

In the annals of folkloristic history *Siri paddana* stands as an exemplary narrative of the fight against patriarchal order in society. It is an elaborate folk poem narrating the tumultuous story of four generations belonging to matrilineal familial system. *Siri's* birth, marriage, inheritance, remarriage, her eventual renunciation followed by her daughter *Sonne* and granddaughters *Abbaga* and *Daraga's* story becomes major concern of *Siri paddana*. It is a recital of many events, ever expanding to suit the conflicts and conciliations of different kinds. *Siri paddana* is one of the two truly long oral epics of the Tulu speaking people, *Koti Chennaya* being the other. Both epics belong to the repertoire of the singer but they are a kind of opposites. Whereas *Koti Chennaya* glorifies male warriors and their violent battle for justice, the *Siri* epic epitomizes Tulu womanhood in

its emancipation and non-violent fight against male supremacy and injustice. Siri was a woman of divine origin who undergoes in her human life the typical ordeals of a woman in Tulu society with its particular mix of matrilineal and patriarchal kinship systems. Assuming the form of biographical epic, the story of Siri expands the fates of her only son Kumara and her female descendants in two generations.

At the outset, the story of four generations in *Siri paddana* – including Siri's grandfather Berma Alva, husband Basruru Kantu Alva, Kotrapadi Kodsara Alva whom she remarries, son Kumara, daughter Sonne, Sonne's husband Gurumarla and children Abbaga Daraga – lays bare the life of a Tuluva agricultural society. However what is intrinsic in this story is the cultural politics that takes place in a feudal society.¹⁹⁵ Through multiple angles of power, gender and ethical motives, this politics is evident from Siri's birth to the death of Abbaga and Daraga.

Studies on *Siri paddana* has extended to international level as well. Lauri Honko, Vivek Rai, Chinnappa Gowda, Ashok Alva, A V Navada and so on, have documented its different facets. It belongs to a Bunt society in its vivid coursing, in the concocted subplots, and in its fervor and struggles. The term 'Bunt' and its equivalents 'okkelme,' 'okketri,' and 'vokketura' appear in this *paddana*. Agriculture constitute as chief backdrop for the narrative. Many Bunt households declare their authority and presence either through muscle and canniness, or through the decree of boon-bane of different *daivas*.¹⁹⁶

One prominent aspect visible in *Siri paddana* is the multiple shades of political friction.¹⁹⁷ Siri's attempt to reclaim her right over land is the major political conflict presented here. We need to observe two aspects in this context: first, Siri's encounter with the society of her time, and the second is, our contemporary engagements with Siri text. While Siri performer elaborates her rift with the then society through singing, our scholarly engagements with the Siri text defines the way we approach the narrative today.¹⁹⁸

It is an uncontested understanding that Siri figures in the political scenario of Tulunadu in the context of deciding heir to Satyanapura palace. It was also a question related to political power, economic facilities and social recognition. Immediately after the death of Berma Alva of Satyanapura, Siri's husband Kantu Poonja contrives to transfer the inheritance to Berma Alva's nephew Shankara Alva of Sooda. Siri outrightly rejects this

proposal on the grounds that when she is present (being his daughter) as an heir to Berma Alva, how could the privilege be passed on to anyone else? Siri who had already unleashed familial struggles due to her husband's infidelity, paves way to political conflict as well questioning Kantu Poonja's intentions during property settlement.¹⁹⁹

The question of succession in Satyanapura palace doesnot get confined to family matters alone, but extends to the administrative issues as well. This is also the reason why a village councilor's meeting was called for.²⁰⁰ Kantu Poonja and Shankara Alva succeed in persuading the village elders to decree in their favor. From the other side, Siri argues for the inheritance to be passed on to her as the legitimate heir of Satyanapura palace. However, guided by feudal and patriarchal tendencies, the village council rejects Siri's propositions. It unanimously decides that women could not claim men's prerogative over administrative authority. Mentioned instance also throws ample light on the judicial system prevalent in those days.²⁰¹

The political struggle exhibited in Siri *paddana* is her attempt to reclaim control over land. All through history, men have gained control over land and personified women as mother earth. Further, they assumed the responsibility of protecting both soil and women, and thus gave rise to a phallocentric system of society. Women, like land, were brought under the purview of men's authority over property. Women were essentialized for their reproductive capacities. Thereby, man assumed different roles of landlord, of king enjoying all the benefits of the earthly life, whereas women were merely attributed a divine status. Although we could find instances in history where women ruled over, it was largely confined to palace maintenance and the women in royal family. We cannot extend the descriptions available in history about women rulers to the common women as well.²⁰² Despite terms like *gurkarti*, *periyabbe*, *pattadabbe*, *piriyarasi*, etc imply the prominence of women, its spatio-temporal implications were quite limited in nature. According to the matrilineal system of inheritance prevalent among Tuluvas, women possessed the right to decide about property issues and also carried the title *pattadarti*. However, the status of other women in the family was in fact unsound. They were forced to spend their days in constant servitude to the family. Therefore it was not possible to alter the political system as congenial to women, despite her assumed status as queen or *pattadarti*. The boundaries of authoritative power were always laid down by men alone. We should understand the *patteri koota* or village council's rejection of Siri's appeal for inheritance from this perspective only.

The decree issued by the *patteri koota* or village council drives Siri into taking some hard decisions as symbolic protest. She shuns all connections with Satyanapura, pronounces divorce to her husband Kantu Poonja and enters into wedlock again. Humiliated in the council meet, Siri curses Satyanapura to go barren, and the palace to be burnt to ashes. She leaves her maternal place with infant Kumara and servant Daaruu, and eventually remarries Kodsara Alva of Kottrapadi. Siri's remarriage in this context should be understood as a protest against the infidelity of Kantu Poonja and the greedy schemes of Shankara Alva. While registering dissent against such evil forces, it also becomes important for Siri to evolve new values for womankind.²⁰³ Some scholars are of the opinion that although Siri displayed self-esteem by divorcing her husband, she again falls into the traps of patriarchal order by marrying Kodsara Alva and expressing her consent for polygamy. Siri also refuses to heed to Kumara's objection to her marriage with Kodsara Alva. Both Damodara Rao and Amrutha Someshwara opine that Siri's rebellion fades in such moments. However, Gayathri Navada argues for locating Siri's protest within larger communitarian struggles instead of episodes from her personal life.²⁰⁴

Thus Siri courageously confronts the society that humiliated and exploited her instead of turning her back to it. Markers of patriarchal order like women's chastity, motherhood and male supremacy are thwarted by Siri's efforts.²⁰⁵ She gives rise to a novel discourse and manner by publicly protesting against humiliation and husband's unconstrained approach. She refuses to comply with the village council's arbitrary judgment, and as a symbolic protest burns down the palace into cinders.²⁰⁶ She punctures the cultural and material ego of male²⁰⁷, by disavowing markers of wifedom like black-beaded chain or *karimani*, nose stud and bangles. She pronounces divorce to husband Kantu Poonja. Although Siri's protest could not bring about recognizable change in the then society, its manifestations during Siri ritual carries the legacy of Siri's resistance in different forms.²⁰⁸ She appears as a significant icon for the contemporary feminist movement due to her very efforts to break away from the conventional bounds of a patriarchal order.²⁰⁹

A crucial aspect that comes to the fore with a careful analysis of the Siri text is the feudal landlord society it portrays. One aspect that Siri loved as well as hated throughout her life is the system of *guttu* or manorial house.²¹⁰ *Guttu* in Tulunadu is a part of the Bunt community and it is also an administrative unit. This fact is supported by the evidence of inscriptions in Tulu region. Siri belonged to one such caste-Bunt *guttu* house, and it is therefore not apt to consider Siri as a common woman from an agricultural household. It

is also not right to conclude that she was completely deprived of power and facilities as she belonged to a feudalistic household. She was born in Satynapaura palace, married to a *guttu* house in Basaruru, and was married second time to another *guttu* house in Kottrapadi. So, we could understand that she was not a common citizen as all through identified with dominant feudalistic Bunt households.²¹¹

However, Siri emerges as a subaltern figure when considered as a woman and as a victim of the feudal set up that denied her any authoritative power. At the same time, she also appears as a part of the social structure of *guttu*.²¹² If we observe the patriarchal tendencies prevalent among the male members of *guttu* household, Siri assumes the identity of a subaltern woman inside the same set up. Siri *sandi* narrates in detail the limitations of a woman's freedom in *guttu* household and the kind of exploitation she is subjected to. Through this, one could also understand the social structure prevalent in medieval times.

Peter J Claus has analyzed the Siri narrative as a reflective of the matrilineal system of Bunts, and as an exemplary for the chastity and morality of womanhood. He has also described Siri as an inspiration to the women fighting for their rights.²¹³ According to Claus, Siri and her progeny are very significant deities to the Bunt community. They locate the beginning of their ancestry to Siri and that she is a boon from the gods. It is believed that Siri originated the matrilineal system practiced among bunts.²¹⁴ But this argument cannot be accepted.

Surendra Rao, is of the opinion that although we cannot consider Siri as a Bunt narrative in its totality, we could consider some of its facets for such a study.²¹⁵ Despite its context and boundaries are related to Bunt community, it does not reflect some of the other features of that society.²¹⁶ For example, the warrior trait of Bunts is absent in the epic. There are no warriors here and no episodes of bravery as well. However, a silence about such a trait should not be misunderstood as its refusal. To divert the community's attention away from such stories of valour to other issues might be the hidden intention also. Instead always being preoccupied with episodes of heroism, one needs to consider and respect other matters too. And there is a need to put a brake to the idea of Siri song as exclusively a Bunt epic.²¹⁷ Because, among all the women who possess the Siri deity, the number of non-Bunt women is considerably high. Unless we argue that the ritual face

of Siri is not an integral part of the dynamics of the oral song, it is difficult to elaborate on the above.

Scholar Amrutha Someshwara has also expressed the opinion that it is an exaggeration to consider Siri as the ancestor of Bunt society.²¹⁸ It is not appropriate to project Siri as an icon for the modern feminist efforts. He further objects to using Siri's proclamation of divorce as a symbol of fight against women's exploitation.²¹⁹ According to him this act is not extraordinary in any way. Divorce and remarriage have been a part of the matrilineal societies in Tulu Nadu and Kerala since ancient period. It has been a signature feature of such matrifocal societies. Further, an accurate kin picture of such a social structure is sufficiently not available in Siri epic.²²⁰ Instances of harmony between brother-sister, father- and daughter-in-law, father- and son-in-law is not dealt with in Siri story. When the entire Siri family has disappeared and deified only these relationships are established (in the ritual).²²¹ Furthermore, lord Bermer appears as a merciless cruel deity who snatches away the boon of progeny he himself had bestowed.²²² Ridden with pain and angst of women, Siri *paddana* ends on a tragic note of the destruction of a matrilineal family. To say that it nurtures and establishes a 'matrilineal family' cannot be sufficiently reasoned out.²²³

Further Amrutha Someshwara argues that except for her initial struggling spirit, Siri has not contributed in any big way.²²⁴ Her role in her both children's (Kumara and Sonne) life is very minimal. It is also mysterious that despite possessing miraculous powers she did not make any efforts to tend to her children.²²⁵ It is difficult to agree that Siri and her progeny are significant deities for Bunt community. Despite many bunt women participating and possessing the Siri deities during Siri ritual, they do not extend the reverential service offered to other deities of Tulu Nadu to Siri deities as well.²²⁶

Responding to Amrutha Someshwara's argument that Siri's character is not developed enough to comment on behalf of Bunts, B Surendra Rao says that it is neither a drawback of the community nor a refusal of the oral song.²²⁷ To quote him, "the Siri story as weaved in poetry has both advantages and disadvantages. They should only be gauged in terms of their effects on message and impact on the gist and plot of the narrative. It is almost impossible that any poetic composition could depict a community or society in all its realistic hues".²²⁸ To expect such an effect is, in fact, erroneous".

Sometimes when a text is thrown open for interpretation we tend to infuse our personal expectations and queries to a large extent. The familiarities it could propose might lead to twisting its meaning and implications, thereby suffusing it with biased readings.²²⁹ Folk narratives could offer us the immediate political and social pictures. They definitely cannot confirm our individual interpretations, comparisons or logics. Different scholars might interpret them differently, and discuss its internal differences with their own erudition.²³⁰

Sabiha Bhoomi Gowda also doesnot agree with the opinion that Siri is an icon for or representative of feminism.²³¹ According to her, the intensity of Siri's fight declines after she meets the Bolabari warriors, and disappears completely once is she decides to marry Kodasara Alva.²³² Siri's life after that is sheerly a life of compromise. She compromises with the self-same elements she had opposed earlier so as to balance a life of negotiation. Therefore, Siri's *paddana* is a tale of the transition of a woman from an independent self to a 'domesticated animal' eventually succumbing to the patriarchal values. Refusing completely to consider Siri as a feminist icon, Sabiha Bhoomigowda rises the basic question of which act of Siri was considered to declare her as a feminist?²³³ Was it her fight for property rights? Or was it her protest against husband's infidelity? Or was it her courage to decree divorce? Or was it her decision to remarry? She agrees with Amrutha Someshwara that Siri is a hapless, miserable woman.

Further, according to Sabiha Bhoomigowda, Siri lays a curse on Satyanapura when she realizes she would not get right over property there. She makes the entire Basaruru village and palace pay for the betrayal of Kantu Poonja alone. How could she become an icon of feminist struggles?²³⁴ According to her, Siri's approach comes closer to that of radical feminist thoughts.²³⁵ Radical feminism is only a kind of feminism, and not an entirety in itself. It should be said that, by declaring Siri as a model for feminist struggles and a proponent of feminism, such arguers are only increasing the burden of misconceptions around feminist discourse.

However, the argument of Sabiha is not unquestionable. From the perspective of social protest, Siri could be considered as a feminist charter forcefully presented in the creative mode, but with serious qualifications. Because in the matrilineal but male dominated feudal set-up, Siri seizes the initiative and does not surrender mobility almost till the very end. The feminist protest gets qualified, however, when she enters into a more intricate

though legitimized union with a not too worthy married man. When her husband fails to turn up for the funeral of Bermu, Siri takes the charge of the situations and in a daring reversal of roles she performs the cremation without lowering the pre-determined norms. She does not permit Shankar Alva to light the pyre, for he has been instigated to claim the privilege with a view to establishing, at Siri's cost, his claim for succession.

But, as a matter of fact one cannot consider every effort of Siri as driven by communitarian and social well-being as its chief motive is difficult to accept. It is because all her efforts were largely for personal in nature. While she could question her husband's relationship with her lot Siddu, why could not she also consider that before marrying Samu Alvedi's husband, Kodsara Alva. Viewed from Samu's perspective, could Siri appear as a proponent of feminist thoughts? . However, what is important here is that Siri tried to build an independent life of her own going beyond the personal hurdles. The struggles Siri faced were also the struggles of women of that period. Yet, were Siri's efforts successful?. Although she tried to grow beyond male supremacy all that remained for her were a series of tragedies. Despite having divine aura she had to taste defeat at the end. We should also analyze the supremacy of Kumara in today's rituals from the same perspective.

A question that haunts us continuously is could Siri get justice in her struggles? There is an attempt to justify matrilineage and confront male dominance in Siri *paddana*. We could witness 'motherly' struggle in this epic.²³⁶ All through Siri fought to claim justice. Her combat should be analyzed more as a symbolic fight for the self-identity of an empowered feminist than as a challenge to and refusal of the male authority. What emerges at the end is a set of life models for Tulu woman, constantly revived in possession rituals in which the women belonging to the Siri cult participate. In these rituals the Siri story performed mostly indirectly, through prayer and recitation reflecting the intensive interaction and interpretation of the divine and human worlds.

But the researcher has examined a new insight in the Siri epic. On the basis of researchers' recent field work at Kavathar and Peruru Alade with Ashok Alva, chief folklorist of Regional Resource Centre, Udupi, it is argued that Siri ritual is a death rite offered to Bermu Alva, Siri's grand father. The memory of Siri, her mediumship and matrilineage as the women's mass possession indicates the tradition of a death rite. It is argued that the rituals like *Talau lappunu*, *mara kadpunu* (cutting the tree), *chinkri*

padunu, agelu balasunu, kalekola etc., indicates the very crucial convention carried out during the funeral rite among the Bunt caste in Tulu region. The chief characteristic of the custom *talau lappunu* is measuring paddy with inverted hand and offering it to the lower castes serving in different capacities during the death rite of Bunts. The custom of offering areca flower to the tomb like structure by the siri performers is also indication of the funeral rite. By doing so it is an attempt to give justice to the unsettled soul of Bermu Alva. While the larger arena of Siri ceremony is to offer a death rite to its foremost member, it is also an interesting sphere for the incessant community to bemoan the loss of their matrilineal ancestry.

Koti Chennaya Paddana

Koti and Chennaya are brave warriors in historical Tulunadu. They remained in the annals of history by driving away injustice and unrighteousness. They were always driven by the ideals of ethicality and faithfulness. Guided by these principles, they sacrificed their lives fighting against the feudal despotism prevalent around. As self proclaimed, truth, justice and righteousness were the chief motives of these merciful heroes. Their sense of justice was always reflected in rebelling against humiliation and wickedness, and setting things in the path of righteousness.²³⁷

Brought up under the care of Perumala Ballala, Koti Chennaya are rendered orphan with the death of their mother Deyi at a tender age. Their life was full of ups and downs since childhood. They knew how to convert initial failures into eventual success all through. When conflicts arose regarding agricultural land with minister Buddyanta, he was killed by younger brother Chennaya. Demanding the fertile Jack fruit tree and palace garden was symbolic of their attempt to claim ownership over land. Perumala Ballala rejected all of these demands, and through that Koti Chennaya continually face rejection. There were attempts to subdue or assassinate them. However, as they forever tread on the paths of truth and piety, they were rescued from hurdles by those very principles. They resist the opponents with courage and physical power, and express great protest against any kind of humiliation. When Kemara Ballala of Panja imprisons them deceitfully, they pray to Lord Berma and escape from the chains of the enclosed walls. They provide justice in the case of boundary dispute between two regions. They also indulge in agricultural activities, and protect crops by hunting activities. Unfortunately, Koti was killed by the chicaning tricks of Ballalas which leads to the tragic suicide of brother

Chennaya as well. Even in their afterlife they promise Ballalas to protect truth and justice.

An observation of Koti Chennaya's story clearly shows their eventual attainment of deified state. They are worshipped as cultural heroes not only from the Billava community but also from other social groups in Tulunadu. Their personal efforts are distinctively evident behind their successful endeavors. Lord Berner and the Ballala of Enmuru assist them all through. Overcoming their difficulties and protecting the well-being of communities, Koti Chennaya attained the status of cultural warrior hood.

Martial atmosphere is predominant in this historical narrative, recording the fight against caste system and inequality. Koti Chennaya gave a clarion call against societal humiliation, exploitation and despotism.²³⁸ They questioned the authoritative centers that had deviated from the path of honesty and moral principles. When the ethical fabric of society was under threat due to the hegemonic attitudes of the ruling authority, Koti Chennaya rebelled in protest. Thereby, they sacrificed lives for the protection of truth, righteousness and justice.²³⁹

Except for Deyi Baidyedi, the mother of KotiChennaya , Sayana Baidya foster parent and Kantana Baidya husband of Deyi , we never get to hear about the other ancestors of Koti Chennaya in any *paddana* or texts. Koti Chennaya *paddana* mentions about the role of Kenjava bird's egg in the birth of Deyi Baidyedi.²⁴⁰ There is a reference to this egg changing into lemon and then a female child rising from it, thereby connecting the birth of Deyi Baidyedi to the Kenjava birds' egg. As evident, this was a miraculous birth. It is not probable that such a mysterious birth would have taken place some five centuries ago. We are well aware that there are no records about conception among either homo or heterosexuals even in *devayuga* except through *yajnas*, *yagas*, *siddhi* or other miracles. When there is a necessity to present such an improbable event as a reality, it is essential to paint it with the colours of the supernatural.²⁴¹ As Koti Chennaya *paddana* is already a folk epic, there is no room to question such a presentation. Similar is the birth of Tulunadu Siri ,who was said to be born in the areca flower pot. Bermu Alva received in the form of *prasada* from shrine. It becomes imperative to evoke a divine origin for these deities as a precondition for their ensuing miraculous life in the future.

Most of the *paddanas* of Tulunadu contain elements of protest and fight as a chief driving principle. Koti Chennaya *paddana* in particular is a narrative of fight between

acceptance and rejection. By their very birth, the twin heroes come under the scathe of rejection, and it spills to a generation before them. The male and female Kenjava birds are responsible for the birth of Koti Chennaya's mother. However, the process of rejection starts with the pregnancy of the Kenjava female bird itself.²⁴²

According to A. C Burnell's *Deyi Baidyedi paddana* female Kenjava bird had offered a sacred vow to the deity.²⁴³ Its first and third eggs touch the feet of god and return to their hands. Yekena Saler and Ginde Giliramu Deyyar are born from those two eggs. They eventually marry each other, and give birth to Bamalla Kumara or Bermer and Perumala Ballala. The second egg that had fallen into the sea reaches the hands of a Brahmin in the form of a lemon. He gives it to his wife at home who was childless so far. A female child is born from that lemon. She grows up and attains puberty before tying the nuptial knot. According to the brahmin customs, she is left in the forest blindfolded. Sayana baidya who was engaged in toddy tapping in the same area rescues her. He raises her with the name 'Deyi' and eventually marries her off to Kantana *baidya*.

In this context, Vamana Nandavara has observed some minute details.²⁴⁴ "While Bermer and Perumale Ballala's mysterious birth has been acknowledged, Deyi Baidyedi's, at the same time is spurned. Eventual magnanimity of any individual is always indicated before the birth itself. By remaining unharmed in the hands of parent birds, the eggs of Bermer and Perumala Ballala already point at their acceptance later. On the other hand, the egg responsible for Deyi's birth gets misplaced, and this rejection is re-enacted by leaving her behind in the forest. In the embracing hands of Sayana Baidya, Deyi gets recognized as baidyedi, thereby reversing the same rejection into reception. So we could well say, the acceptance of Koti Chennaya is a result of the denial of an initial denial."

We could witness the five-six centuries old customs and practices of the tribal society of Billawas in the role of Deyi Baidyedi. She maintained a sense of appropriateness by refusing Perumale Ballala's carriage while embarking on her journey to treat his wound.²⁴⁵ It is to be noted here that even in times when caste system was pervasively present, Deyi refused to avail carriage's benefit. She was well aware of the consequences of such an endeavour despite the carriage was sent by the king himself.

Despite her advanced pregnancy Deyi comes to Perumale palace or mansion and treats the wound of Ballala. Although it was inevitable for Deyi to enter into the palace, the elite group guarding caste hierarchy couldnot accept her presence. They were enraged by

the treatment Deyi received in the palace: Ballala's gift acknowledging her service, and her very entry into the palace' interiors as a low-caste shudra woman. Minister Mallaya Budyanta accuses her of arrogance when she was unable to clear his way on a small path. Deyi's reply to his accusation follows thus: *If I have not cleared the way due to my arrogance, let the Lord decide. And, if I have not done so due to my present state, let my children settle it later.* We could notice the seeds of rebellion against castiest victimization in Deyi's words here.²⁴⁶ Further when Sayana Baidya arrives to take the twins away, jealous Budyanta says, *Hey Sayana, are you taking along Kere snakes (venomous) or snakes of worth?* To which Sayana replies, *venomous or not, the snakes of today will acquire poison tomorrow.* One could notice a tone of protest and challenge in the words of Sayana Baidya as well.²⁴⁷

Koti Chennaya's protest is evident in the playground itself at an early age. Even in the recreation area upper class children were not allowed to play with the lower class. There was a separate space reserved for the affluent children in the Bakimaru field of the palace. Confined to the field Koti Chennaya always had the wish to play with the kids in the Bakimaru ground. When there was hardly any scope for that, it converted into obstinacy. They requested the children of minister Budyanta to allow them to play together. Minister's children refuse to play with the billava kids Koti Chennaya, as it was a common practice during those days. Enraged Koti Chennaya entered into a bet and won in the game of *palle*. They seized the game ball and chased the upper class children away. Meanwhile, Minister Budyanta interferes, confiscates the ball and hides it in the upper chamber of his house. Koti Chennaya vow immediately, "the ball that was snatched away from the tender hands will be clutched back with the grown up hands. We couldnot be Koti Chennaya if it is not done." It was a direct confrontation against the exploitation of the elite. In this situation Deyi's words that her grown up children will take revenge acquire meaning.²⁴⁸ This was also Koti Chennaya's first public protest against injustice. The same courage they displayed here guides a twist to their future.

Koti Chennaya move on to get trained in the martial art centres, and upon return express the desire to indulge in their traditional occupation of agriculture. They arrived at the Ballala's palace requesting to fulfill the promise he had made to their mother Deyi. Ballala had promised while recuperating that he would bestow the remaining gifts to her children in the future. Koti Chennaya remembered that and requested a piece of land to be given.²⁴⁹ Ballala gives them the land beneath Budyanta's *Kambala* field. It was

inevitable for them to live under the benevolence of Ballala after their mother's death. However, they were reluctant to benefit from his assistance as they never maintained arrogance or pride of being brought up at the palace. It was a life of subservience. What we notice as a chief principle in Koti Chennaya *paddana* is their urge to live independently as the true children of Tulunadu.

According to the *paddanas* of A. Manner, although Perumala Ballala appears as a benevolent, citizen-friendly ruler, he doesnot come out as a steadfast and powerful sovereign.²⁵⁰ When Deyi arrives to tend for his wounds, unsought he promises many ornaments to her. But when the time comes to fulfill his promise, he seeks minister Budyanta's suggestion, there by appears as a selfish and fragile ruler. He doesnot adhere to his words and hides under the shadow of a minister. However, there is no reference to Ballala seeking minister's suggestion in the German missionary collection of Koti Chennaya *paddana*.²⁵¹ Devoid of any mention of Budyanta, in missionary *paddana* Ballala appears as a steadfast ruler abiding by his promise.

Another chief aspect in Koti Chennaya *paddana* is the animosity between Koti Chennaya and minister Mallaya Budyanta. It started with Deyi's entry into the Ballala's palace. While A Manner's text records that Ballala was influenced by the minister, Basel missionaries' text doesnot dwell on the character of Budyanta much. There is no reference to Budyanta while Ballala set out for hunting as well. While suffering from the wound in his feet, he sends servants to look for medicine men, but no mention of minister anywhere. His help was not sought at any juncture. Let alone caring for, Budyanta doesnot display a slight courtesy of visiting the ailing ruler too.²⁵²

In Basel missionary texts, Budyanta appears only during the conflict with Koti Chennaya. The general cordial relation between a king and a minister didnot exist between Budyanta and Ballala. Further, by allotting the land beneath Budyanta's field to Koti Chennaya despite being aware of their animosity, Perumala Ballala displays his political adulthood. In Manner's text the two pieces of land are called as 'upper *anilaje*' (Budyanta's) and 'lower *anilaje*' (Koti Chennaya's). In German missionary text they are respectively termed as '*poopadi pookare*' (field to plant flowers) and '*baarepadi kalayakari*' (field to grow banana plant).

It was undigestable for Budyanta to witness the grand recognition Deyi received for her services to Perumale Ballala, by passing his state as a minister. He was an envious

individual by nature. He had accumulated hatred against the Billawas and Deyi in Ballala's close circle. The dual aspects of their inferiority in caste status as well the humiliation of non-recognition led him to acquire prejudice against them. His hatred multiplied when the land near his is allotted to Koti Chennaya. He tries to confront them at every stage, in order to uphold his superior status. As a result, he is also killed in the hands of Billava brothers later. Koti Chennaya's act was only a protest against the cunning attempts of Budyanta. The assassination here doesnot appear as a result of hatred, but as a symbol of rebellion against the exploitation of the downtrodden in the hands of authoritarian caretakers of hierarchical structure.

Perumale Ballala also hoped for that scenario. He is a good example for how a sovereign controls and puts an end to the subsidiary powers who aspire to grow out of proportion.²⁵³ As depicted in the missionary and Manner's *paddana* killing Budyanta was a mere expression of the accumulated wrath of Chennaya and not of a pre-planned act.²⁵⁴ It was a momentary lapse, because Budyanta's deeds could only invite punishment but not assassination.²⁵⁵ His caste exploitation and heart full of hatred guided the fate to take its own course.

Nevertheless, it is difficult to accept this argument. According to Surendra Rao, when one is faced with a poetic composition, the tendency to over read ourselves into it takes precedence.²⁵⁶ There are many instances of communities evading the illegal acts of their past heroes as fight against exploitation, and thereby rendering them justifiable. This leads to twisting the meaning implied within folk songs.

Koti Chennaya didnt want to stay in Padumale after Budyanta's death. They might have realized the gravity of their seditious act. In their fight against feudal and caste system they demand for things that questions the sovereignty of Perumala himself. They didnt ask for things that Perumala could have easily given. We cannot also say that they intended to receive those gifts. It doesnt seem like they wanted to avoid incurring the wrath of Perumala Ballala. They surmount hesitation by demanding the un-fulfillable in the form of protest.

They dissend the courtyard of Ballala's palace after registering such a protest. They leave their sword marks (*gadi deepuni*) on the pillars in the premise. They demand the then society's tabooed items, thereby expressing dissent before leaving the place. Further they meet washerman, ironsmith, potter, goldsmith, oil miller, carpenter, etc and ask

about the things and gold they owe to Koti Chennaya. However, already subservient to Ballala, these people did not prefer to accept Koti Chennaya. They do not hand over the things with sympathy, and Koti Chennaya make them taste their sword's force. Although at some point they were nurtured by the Ballala, it doesnot seem very significant when they set out to rebel against the entire system.

As they were unable to confront Ballala directly, the pillars, steps, people of different occupation and so on were forced to succumb to their wrath. All through their way Koti Chennaya threw challenges of dissent. They continue their rebellion through the paths of Padavugudda in Panja village. As a result even the stones on the path get crushed into dust, the creeper breaks, grass on the ground spreads into the sky and the celestial stars fall on the earth. Thereby, protest is displayed through such bravery and miracles.

Moving on they refuse pay tax at the tax office, in stead chase the tax collector away. They are captured by the deceitful tricks of Chandugidi following Panja Kemara Ballala's order, and were held captive in an enclosed structure. However, Koti Chennaya pose a huge resistance by breaking open the jail walls and escaping through it. A Brahmin priest attempts to stop the brothers from fulfilling their mother's vow to lord Berma during their birth. Resisting such a hurdle, Koti Chennaya offer prayers to their family deity without any assistance from the Brahmin priest.

On their way to Enmuru, they re-instate the boundary mark to its original place thwarting Panja Kemara Ballala's attempt to possess Enmuru's land. A powerful protest against Kemara Ballala and his people's attitude is registered by reinstating the border mark. Hostility already existed between Enmuru Devanna Ballala and Kemara Ballala of Panja. As Koti Chennaya were also the enemies of Kemara Ballala, Devanna Ballala invites them to his kingdom. Koti Chennaya also needed such a space to prepare for ensuing fights against injustices. When conflict arose between Panja and Enmuru regarding a hunted swine, Koti Chennaya were forced to face Perumala Ballala as he joins Kemara Ballala's side. During the battle, Perumala Ballala hides himself and shoots an arrow towards Koti. Aggrieved at his brother's death, Chennaya also commits suicide. Although Koti and Chennaya displayed great valour in the battlefield, they were killed by conniving acts. They encounter a tragic death despite struggles for justice. Tulu oral songs generally end on such tragic notes.

The resistance Koti Chennaya express all through was not limited to their individual selves but they it was a communitarian struggle. Interest of many social groups is inbuilt into this community fight. Koti Chennaya become significant as representatives of different kinds of exploitation and deprivation. As negotiation between communities is a common issue, many memorials and tombs are constructed, and they are worshipped. The justice they couldnot attain in life (*kaya*), they acquire in the unearthly life (*maya*). They fought more for community well being than for individual justice, and even to this day they descend to the worldly arena upholding justice. They are recognized as cultural heroes, as benevolent, miraculous beings not just from the Billawa caste people but also from other communities in Tulunadu. These aspects are evident more in and after Koti Chennaya's death. Koti Chennaya's supernatural ability is evident in assuring protection to Devanna Ballala even after their demise.

Kalkuda-Kallurti *Paddana*

The Kalkuda and Kallurti epic is an eloquent illustration of an exploitative world in which an egoistic ruler plays havoc on the simple, innocent life of a worker. It also shows how hapless worker could wreak vengeance on the powerful, wicked ruler by "dying". The construction of Gommata statues in Karkala and Venuru that appears in the political history of Tulunadu is also a significant subject in Kalkuda-Kallurti *paddana* belonging to the oral tradition of the land. This oral song even narrates the life story of the sculptor, who carved these statues. According to the *paddana*, Bira Kalkuda belonging to the *kallu kuttiga* or sculptor family erects a statue of Gommata at Karkala upon receiving orders from the Bairarasa of Karkala, Veera Pandyaadeva. Deviating from his promise to bestow gifts, Bairarasa amputates the left hand and right leg of Bira Kalkuda after the completion of Gommata statue. The king wanted to ensure that the sculptor would not be able to create such a statue elsewhere. Enraged Kalkuda takes refuge under the protection of Timmannajila of Venuru. Upon Ajila's order, he also carves a Gommata statue at Venuru.

We could notice the traits of rebellion in Kalkuda Kallurti *paddana* regarding the erection of Gommata statues in Karkala and Venuru which also figures as a major event in the political history of Tulunadu.²⁵⁷ What is highlighted here is the ostentatious show of kings and rulers in the name of patronizing art, and through that their political superiority. Oral tradition like *paddanas* emphasize that the rulers are always guided by a

sense of centralized authority by claiming exclusive rights over everything valuable around.²⁵⁸

Kalkuda Kallurti *paddana* is constructed in the realm of the supernatural. Extremely raged by Karkala Bairarasa's deeds, both Kalkuda and his sister Kallurti disappear into the realm of other-worldly as *bhutas*. Transformed into divine *daivas*, Kalkuda and Kallurti torture the Karkala king in the mystical ambience. Prior to attaining deity-hood, Kallurti wakes from sleep in wrath, turns her head towards Karkala and vows thus: "I will not let the king who amputated by brother get away easily." "My limbs were torn apart in human life, I will not let you go in *maya*," "if not in this worldly form, we should at least witness the pitiful state of perpetrators in *maya*" etc, indicate sufficiently the rebellion and avenging spirit both Kalkuda and Kallurti nurtured within.²⁵⁹ Their words reflect the desire to attain justice that was denied in *joga* or physical world at least in the world of *maya*. The challenge that they pose from the other-world is clearly evident in their revenge-seeking words.

Further sections of the *paddana* provide detail about the way Kalkuda and Kallurti took revenge against the Karkala Baiararasa. Having assumed the form of *Bhutas* they set his bed on fire in the palace. They burn down houses and shops, turning the entire city into cinders. They created madness in five thousand people in Karkala, and submersed the king's mother in water for seven nights. They pelted stones on houses, and threw dead dog with its poop in the palace. While creating such a ruckus around, Kallurti says, "King, you showed your stubbornness by amputating the limbs of my brother in his human form, but in the divine world (*maya*) we will display our obstinacy... you destroyed my brother's life, and I will not let you go unharmed." The entire ruckus created by the siblings is towards achieving a goal. Unable to face the *Bhutas*' trouble, Karakala Bairarasa built shrines for them and offered food and prayer.

However, there is a lot of difference in the details available in inscriptions and Chandrama Kavi's *Karkala Gommateshwarana Charitre* (1646 AD) when compared to the incidents recorded in Kalkuda-Kallurti *paddana*. According to the inscriptions Karkala Gommata statue was carved during the rule of Bairarasa Veera Pandyadeva or Pandya I or Pandya II or Pandya III in 1432 AD.²⁶⁰ He is ruled with the title "Abhinaya Chavundaraya" from 1432 AD to 1450 AD. Likewise Venuru Gommata statue was

constructed in 1603 AD by Ajila king Timmannajila. He ruled between 1600 AD and 1610 AD.²⁶¹ An excerpt of the Sanskrit inscription of Veera Pandya reads as follows:

“Based on the directions of Lalita Keertimuni of desi gana near Panasoge,

The son of Bairarasa of Soma lineage Veera Pandya

Got the famous Gommata statue of Karkala carved”.

Ajila Timmannajila’s Venuru inscription (No.89) is written in Sanskrit and (No.90) is in Kannada language. Both record the same matter, and an excerpt runs thus:

“This inscription is about the installation of a Gommata statue

Got carved by Timmaraja of Ajila family in Enuru (Venuru),

Belgulaपुरa’s Charu Keerti saint suggested this installation.

This Ajila Thimmaraja is a great Chamunda worshipper, and the son of king Pandya and Pandyaka Mahadevi.”

When we note the contents of Karkala and Venuru inscriptions what is recorded is only the king who was responsible for the installation of Gommata statues, and not the sculptors’ name who worked behind. Historical records found it inappropriate to mention the name of a *kallukutiga* or sculptor.²⁶² Therefore, the important aspect of who carved the statues of Gommata is completely erased from the written sources.

In those written documents king Pandya has been projected as a benevolent benefactor who promotes art and architecture. Regarding this the excerpt of Chandrama Kavi’s *Karkalada Gommateshwara Charitre* speaks as following²⁶³:

Shilpigalanu kareisida prarambha

Samkalpava madisi shileya

Kalpavrukshakke kai bittanthe kottanu

Kalpitha bhuri danagala (3-37)....

Nana vidhada danagalanu

kottanu deenanatharigella

Manava rupina kalpavrukshavembanthe

jnanigalella pogalalu (3-113)....

Or

“Sculptors were called, and the initiation rite is done

alms were distributed like the *kalpavruksha* of stone spread (3-37)

he distributed different alms to all destitutes

All learned hailed him as a human form of *kalpavruksha*” (3-113)

Further, Chandrama Kavi’s text describes the felicitation offered to sculptors of Gommata statue by Bairarasa Veera Pandya and an excerpt runs like this.²⁶⁴

Inthendu varnisi ya raja Chandrama

Santhoshadinda shilpigalu

Santhaisi kottanubaliuchithagalani

Nnethendu bannipe nanu.(3-76)

Kadaga padaka kanthamale choukuli

honnudidara kalasaragala

Hidihonnu gramagalanu dhareerdhana

Podavipalaka kottavarge(3-77)

Or

“Pleased Raja Chandrama showered praise on the sculptors

How should I describe the generous rewards extended to them” (3-76)

“Wristlets, medals, neck chains, designed waist band, anklets

Ornaments, land were donated in abundance by the lord of the earth” (3-77)

Apart from these fragmented details, there is nothing more about the sculptors in Chandrama's text. On the other hand, in the oral tradition Karkala king Bairarasa Pandya appears as a selfish, cruel and salacious individual. He nurtures a mean and selfish idea of possessing the Gommata statue which cannot be surpassed by any other kingdom in Tulunadu. Guided by this thought, he commits the heinous crime of amputating the sculptors' limbs.²⁶⁵ The written records do not assist in determining if such a cruel event took place in the annals of history.

Another aspect to be borne in mind here is that, *kaifiyats* (sources that moved from the oral to the written) also provide supporting materials. One of the *kaifiyats* of Dakshina Kannada "Karkala Kings' *Kaifiyat*" indicates the installation of Karkala Gommateshwara. Although there are some variation in details between *kaifiyat* and *paddana*, *kaifiyat* also records that the right hand of Gommata sculptor Chikkanachari was cut off. An excerpt from *kaifiyat* runs as follows²⁶⁶;

"Keerti Guru's suggested to the Pandya king that, 'as a ruler of a kingdom you should be praised by all the people, you should work towards the betterment of Jain religion and should build shrines for its deities.' Further as per his instructions, Bairarasa got a Gommata statue carved by Chikkanachari on the dark rock in the eastern side of the palace. Once the statue was installed, he got the right hand of Chikkanachary amputated saying the sculptor should not carve another similar statue anywhere else..."

The Kalkuda-Kallurti Paddana edited by A.Manner(1886) also mentions that after the installation of Gummata statue Pandya Arasu got the right hand of Kalkuda amputated saying the sculptor should not carve another similar statue anywhere else(*enna Rajyodu bele bendi Kalkudan bethe rajyodu bele benyere budaye ander, edatha kai balatha kar kaleyer*). Oral tradition is a common basis for both 'Karkala *kaifiyat* as well as Kalkuda-Kallurti *paddana*. As two different forms of the same oral tradition narrate a similar event, it is probable that such an event occurred in history.²⁶⁷ Absence of written evidence cannot lead us to believe that such stories are fictitious. We cannot expect that an inscription written on the orders of a ruler or a poetic text composed to glorify his ancestors would carry a picture of any kind of violence meted against the hardworking sculptor. Common people's opinion about the king would never find its place in the written records. However, they find spread through the common people's ear, without being noticed by the ruler. With the demise of the ruler and his lineage, the sentiments

that were hitherto silenced spread through the words of the mouth and enter into the oral tradition of the common people.²⁶⁸

The Kalkuda-Kallurti epic obviously has a layer of conventional historical information. The rulers of Karkala and Venur are historical figures. But these pieces of historical information become slippery when the historian handles them in his methodology. But we cannot justify that without any historical basis, an oral tradition created the myth of victimization of a sculptor. To conclude that such a baseless story was concocted about a ruler like Bairarasa is to outrightly reject the materials preserved by common people for centuries.²⁶⁹ Rather it is more convincing that an artist was victimized by Bairarasa as the *paddana* and *kaifiyats* evidence. All through history, we are aware of the fact that kings upheld their political prestige and superiority under the disguise of patronizing art. In different fields we notice that rulers maintained a monopolizing principle to possess anything special and precious valuable. In such contexts, materials from the oral tradition like *paddanas* and *kaifiyats* provide supplementary evidence to the written ones.²⁷⁰

Many significant incidents recorded in *paddanas* are true and real. *Paddanas* are actuality based on truth and reality. The chief logic that if something is repeated often, it has come to narrate a reality is clearly visible here. In almost all the version of Kalkuda-Kallurti *paddana* the incident of amputating Kalkuda's limbs is maintained. Therefore, it poses the logic that the king indeed abused and amputated the sculptor.

While Kalkuda-Kallurti were victimized by the subduing force of the ruler in human form, they attain sufficient powers to control and avenge after their death. They try to seek justice in *maya* that was denied in *joga*. Those who lose in the real world, come out as winners in the world of the supernatural. This show of power and capacity for revenge entitled them to worship and veneration from every persons who had wronged them. This message of ultimate victory of meek and innocent over agencies of exploitation is conveyed in the *paddana*. It is also significant that those who suffered from severe kinds of social injustice and fight against them apparently fail in the real world, but after their tragic death, they make a new beginning as deified cultural heroes. Thus, Kalkuda-Kallurti *paddana* vividly presents the world-view of Tuluvas by upholding the principle of ultimate justice despite being preceded by loss and suffering. Defeat doesnot become an important aspect for Kalkuda-Kallurti, but it is their struggling life. They embrace the

death-like life in *mayaka* instead of the defeat in human life caused by treachery and deception.²⁷¹ Continuous struggles of the helpless, their determination to avenge, and a mental peace that retaliation could bring – all these reflect the justice-seeking battles of the cultural heroes. Thus, unable to resist the despotic powers in *joga* that supports such victimization, Kalkuda-Kallurti reject it and find an alternative space in *mayaka* where they become ‘regulating forces of *joga*.’

Balajeyi Maniga Paddana

Balajeyi Maniga *Paddana* expresses emotions and conflicts that exist in a matrilineal family system. It is a tragic story of Balajeyi Maniga, and also an expression of protest against patriarchal system. It emerges as a symbol of women's victory.

Paying dowry or bride price or gifts to the bride or *tera* is an integral component of wedding discussion in a matrilineal family system, and it is one of the determining factors in arranging the wedding. But *tera* was not paid when a girl married her own maternal uncle's son. A marriage without bride dowry or bride price is called as *dharmadhare* or *tayalikeya niyama*. By following the same *dharmadhare* custom Paramale Ballala, the king of Paramale Boodu, got married to his cousin (maternal uncle's daughter) Balajeyi Maaniga of Mattara Madandooru married. However, Maniga opposed *dharmadhare* as she thought it was against to her dignity. When Maniga's maternal uncle Bikrama offered wealth she refused to accept it on the grounds of ethicality.²⁷²

According to her, the wealth offered by her maternal uncle actually belonged to her, and her own wealth was being offered. As per matrilineal family system, the wealth of the family belongs to its female members. She wanted Ballala's wealth to be given to her in the form of *tera*. Here in this context, Maniga's obduracy is not about availing economic benefit but she raised the issue as an insult to a womenkind. As *tera* is considered to be a matter of respect for women, and when a man offered to marry a women under *dharmadhare* without paying *tera* she considers it as an insult meted out to her identity.²⁷³ Maniga did not hesitate to demand for her rightful claim over property and other goods. Maniga's position challenged the right of a cousin to marry the female within family without paying her any *tera*.²⁷⁴

Peter J Claus has published a collection of different versions of Permale Ballala *paddana* titled *Permale Ballalana Paddanagalu* in 1994. He has collected nine versions of the same *Paddana* from different places. According to Deyi Mulyedi's *paddana*, Maniga doesnot raise any objection to marry Ballala. According to the version of Akku Poorjati, Maniga refuses to tie nuptial knot with Ballala. The versions collected from northern parts of Tulunadu contain elaborate references to Manigaga's denial of marriage.

According to Maniga, marriage with Permale Ballala is against to her dignity and an insult to her identity as a woman. Hence after the wedding when she comes to her maternal house, she refuses to follow the custom of going back to her husband's house. In this kinship system bonding between brother and sisters is very tight-knit. Using this bonding as a strategy, Maaniga's brother Baladanda requests her to show him brother-in-law's house. Unable to reject this request, Maniga takes her brother to her husband's place. Baladanda requests her to fetch some hot water as well as asks her to take some rest before returning to her maternal house. While Maniga was deep in sleep Baladanda left her without any intimation. Before leaving he asked Ballala to play *chenneyaata* with Maniga to ward off her boredom. The incident of Baladanda leaving Maniga was neither an act of enforcing masculine power on women, nor compelling Maniga to stay back in her husband's house. Though Maniga accepted to go back to Ballala's house due to the respect and love for her brother, unfortunately this led to a tragic end as detailed in *Paddana*.²⁷⁵

Maniga defeats Ballala in every round of board-shells game that takes between them. Defining rules of the game between husband and wife shows the liberty of a woman to choose and decide.²⁷⁶ According to Maniga, if she lost in the game she would surrender herself to Ballala, and on the other hand, if Ballala lost in the game he would surrender to Maniga. This rules defined by Maniga shows that she had confidence in her intelligence. With the confidence of defeating Ballala, Maniga throw this challenge to her husband Ballala and start playing the game.²⁷⁷

Maniga defeats Ballala in every *chenneyaata* they played, and she ridiculed him at every loss. During the final round, Ballala realized that he is going to lose the game and thus pretended to be thirsty and asked Maniga to get him a glass of milk. While she was away to fetch milk, Ballala tried to manipulate the game by turning the game board. Maniga comprehended the cheating Ballala had done which angered her severely. She kicked the

chennemane and protested against Ballala's deception.²⁷⁸ Infuriated Ballala used physical violence against Maniga saying, "You are a women who has kicked the *chennemane*, could you ever protect my palace?"²⁷⁹ Maniga expressed her resistance by not consuming food, water which in turn hampered the day to day activities in the palace. Ballala became helpless. This shows the importance of women's role in ensuring harmony in the family.²⁸⁰ Though Ballala confessed his mistake and tried to console Maniga, she refused to let her conscience be compromised by his consolation. She left her husband's home without a single thing in hand.

Eventually Ballala sent a chariot to bring her back, but Maniga refused to lead a life by compromising her dignity. She refuses to embark on the decorated chariot Ballala had sent, thereby registering her protest against the life of compromise.²⁸¹ She draped her *saree* to a broom and decorated it with black-bead (*karimani*), nose-stud (*mooguti*) and toe ring. She kept it in the chariot, and sent it back instructing people to ensure that the chariot door is opened by Ballala himself.²⁸² It is important to understand the significance of these objects from the cultural context to understand Maniga's protest. There is an immense strength in her protest through objects that are considered to be misfortune (*anishta*) to a sovereign male. The act of sending back *karimani*, toe ring and nose stud to a husband express the rejection of imposition of patriarchal values on a women through marriage.²⁸³ It also symbolizes the death of a husband. By doing this Maniga not just refuses the cultural rights of Ballala but also refuses his physical entity. Maniga's fight against the power and authority of men should be viewed as a fight for women's right and dignity, rather than as arrogance of a woman.²⁸⁴

When Ballala saw the chariot, he ran towards it to welcome his bride. Once he opened the door his anger knew no bounds by seeing Maaniga's outrageous behaviour. In order to control her, he made a vow to Jumaadi *daiva* saying, "if Maniga returns from her maternal house, before consuming water from her hands, I will offer Kadoli *nema*." We can identify a righteous world of *daiva* that is intimate to the people of Tulunadu here. While *bhutas* as benefactors they also fulfill the demands of believers as followers. The same trust and emotions are expressed in Ballala's *harake* to Jumadi.

Following Ballala's orders, Jumadi causes madness in Maaniga. However, in the end the course of events takes a different turn from Ballala's revenge. In spite of causing harm to Maniga, Ballala meets death at this stage. As Maniga dreamt of Ballala's death, she

immediately arrived at his place where he was laid outside. Depressed Maniga loses her mental stability. In a patriarchal culture, Maniga's behaviour seemed abnormal, sin or blunder, and at the end she was punished from the *daiva*. However, the matrifocal culture of Tuluvas perceives Maniga's courage, self respect, dignity as markers of positive assertions of feminine identity.²⁸⁵ Hence Ballala's approach appears as a violence of women's truthfulness and ethics, and sin committed against to his wife. Ballala's cheating and non ethical attitude grows as cultural extreme both within and outside the *paddana*. As an upholder of Tulunadu's truth and justice Jumadi *daiva* pronounces judgment against his believer, Ballala.²⁸⁶ Maniga who resists any kind of sovereign control over her choice or identity appears as a model for femininity, as well as a cultural heroine within Tuluva culture.²⁸⁷

According to different versions collected from northern parts of Tulunadu, Maaniga dies by stumbling on Ballala's palace steps while walking out in protest. It could as well be a crime of murder committed against Maniga. Even in this case, her death could appear as a symbol of protest to protect her dignity. This could also be interpreted as a parallel world where Maniga could retain her individual freedom, and thus it is an assertion of life. Maniga finds justice for herself in this chosen world.

Parati Mangane *Paddana*

This *paddana* explains the story of a helpless woman who, unable to face a rich Ballala, sets fire on his wealth before she gets consumed by the same fire. In terms of subject matter it is a unique *paddana*. Woman is not killed by a man here nor is it a tragic death to attain immortal love. The rich Bottipaadi Ballala falls in love with Mangane, the wife of *bhuta* performer Mainda Parava, for her impeccable beauty. To fulfill his wish, Bottipaadi Ballala kills her husband Mainda, burns all his wealth, and when she jumps into the fire to kill herself, Bottipaadi Ballala also dies by jumping into the same fire. So it is not just the tragic story of Parati Mangane but also Bottipaadi Ballala. Hence this *paddana* is called as "Parati Mangane *sandi*" or "Bottipaadi Ballala *sandi*"²⁸⁸

Ballala during one of his rounds to water the field sees Parati Mangane stretching her body to the sun under a jackfruit tree. Ballala immediately loses consciousness witnessing such a beauty as Mangane's. Parati herself sprinkles water on his face to awaken. He makes all kinds of efforts to impress and convince Mangane, rejected every time by her. *Paddana* indicates many efforts made by Ballala to convince Mangane like,

“if you do not eat the beetle leave and areca nut I offer you, I will not sit here,” and for which she replies, “My husband should bring the beetle leave, and I should consume it.” This is symbolic of Ballala's sexual desire towards Mangane. It is common for both *paddana* creators as well the decoding Tuluva public to comprehend such symbolic references.²⁸⁹ It is an unconsciously developed narrative skill. In a day to day life, such symbols and sarcastic connotations are an integral part of conversations as well as behaviour.²⁹⁰

Enraged by Parati's response, Ballala arranges for Jumadi *nema*, and he kills the *bhuta* performer Mainda Parava by shooting with a gun. He invites Parati to the courtyard of his palace. To take revenge against Ballala, Parati pretends to accept his liaison offer. She contrives a situation where Ballala burns all his wealth, and she jumps into the same fire as a final mark of protest.²⁹¹ She asks Ballala to bring his wife's *karimani*, nose stud, bangle, ear ring etc., and offers them to the flames of fire. This shows that Mangane had an intention of eroding Ballala's existence as well the desire to make his wife a widow.

This is a very unique *paddana* in terms of presentation. Parati Mangane's words do not show any clue of her intentions of suicide after the murder of her husband. She knew that her revenge can be fulfilled only if she is patient enough to wait for the right moment.²⁹² It is a depiction of Parati who could not oppose the rich Ballala and resist his sexual desire, and therefore had to recourse to death eventually. Her intention was to render the perpetrator responsible for both her and her husband's death penniless, if not dead. Therefore her protest could be viewed as a unique rebellion against caste and gender exploitation. The narrative can be considered more as a fight and revenge against Ballala to reduce his political power by destroying his wealth, than as a token of love for her husband.

Mattadi Ballu *Paddana*

If Parati Mangane *paddana* explains the story of tragic death of two hapless people because of a womanizer, Mattadi Ballu *paddana* explains the tragic end of a womanizer himself. This *paddana* also is a narrative of *bhuta*, and it explains how women destroy the life of womanizers using their intelligence. Mattadi Ballu who comes to catch fish attempts to spread his net to a woman called Kalaledi. Realizing his desire and sexual intensions, Kalaledi takes him to her house, and gets him murdered in the hands of her husband Aita Mugeru. This *paddana* is a kind of moral treatise explaining the fate that

might befall a man desiring married woman. This lesson is also conveyed through the trickeries designed by women, and in this perspective both Parati Mangane and Ballu *paddana* are similar. A young man called Ballu belonging to lower caste sexual desires a Muger woman here. There is no clash between classes in Ballu *paddana*, however man's sexual longings are central thematic. This *Paddana* establishes such individual desires as unethical, and thus a resistance is conveyed.

Kolluru Mookambi Jevu *Paddana*

This *paddana* explains the tragic story of marital life. Revenge and protest against breach of trust are the major aspects in this *paddana*. A person of father-in-law's status attempts to violate a woman Mookambe Jevu and once he realizes his mistake, he makes a vow for the death of Mookambi Jevu. She dies due to the trouble given by Guliga, followed by her parents and her husband committing suicide by jumping into Mukambi's funeral pyre.

Mookambi Jevu was married to the priest Pattana Tantri, also named as Vasudeva Bhatta. Due to poverty, Pattana Tantri goes to the south in search of a better job. Mookambi Jevu insisted her husband to take her along with him. She wanted to be a part of every happiness and struggles with her husband as a *pativrate*.²⁹³ When Pattana Tantri offers her to stay in her mother's house she refused saying, "I might have milk-rice in parental home before marriage but it is better to consume even tear-rice in husband's house after marriage." This shows the Brahmin societal system, and mind set, experiences of married women in it.²⁹⁴ As after marriage, women will never be considered as a part of their maternal family in Brahmin community.

But the attempt to bind women in such moralistic principles is depicted here. It is a patriarchal approach where women are forced to follow and accept any act of husband, and through that, men continue to have their control over women. Despite resistance, Mookambi Jevu was left in elderly Kadambaara Mayya's house. Mayya was an old person and like an uncle or father-in-law Mookambi. He had given a separate house for Mukambi to live. However, one day Mookambi was raped by Mayya in her house and then to hide his act, he let Guliga *daiva* curse her. Because when society made her declare her chastity before the spirit Guliga she had to tell that she was faithful to her husband and her chastity was not affected. For telling lie she was punished by Guliga

spirit. So Mookambi died due to the afflictions caused by Guliga. In this case, even Guliga's curse was in favour of the rich and powerful people.

After Mookambi's death, her parents were asked to take her body by the perpetrator. The depressed parents jumped into Mookambi's funeral pyre and lost their life. After an ominous dream, Pattana Tantri comes back home, and finds his wife Mookambi on funeral pyre. Unable to check his love for Mukambi, he also jumps into the same fire. Mookambi unites with her husband in the burning pyre and declares, "Mayya who violated me in earthly life will be avenged in my life of *maya*." As her body burnt into ashes, she turned Mayya's wealth and house into cinders for seven nights and eight days.²⁹⁵

This, the theme of this *paddana* is about death of a young women who sacrificed her life due to the evil deeds of a man supposed to protect her. With an addition of Guliga's curse this story attains unearthly connotations. However, what captures a common man's focus here its earthly significance.²⁹⁶ Losing her chastity, Mookambi commits suicide; nevertheless, an evil being like Kadamabara Mayya is responsible for the death of three innocent lives. Mookambi takes revenge in *maya* after her death, which was not possible when she was alive in *joga*. However, there are two underlying reasons for saying Mookambi's death was due to Guliga's curse:²⁹⁷ first one – to hide the reason of suicide behind her death, and the second, is a folk practice of involving supernatural element's role in any unnatural death. So Mookambi Jevu *paddana* narrates about the tragic death of a woman caused by the inhuman acts of a male counterpart. But we can notice a fact that the chastity of a woman was glorified and a message was evident to show that women could protect their chastity at any cost. This is in a way an attempt on the part of male domination to restrict the freedom of a woman to her chastity.

Naagasiri Karnage Paddana

Naagasiri Karnage story explores the intricacies of men and women's relationship, and reveals the kind of cheating and dishonesty involved. This story narrates about men's anxiety and preoccupation with women's chastity. This fear is expressed through his enforcement of restrictions and violence on women.²⁹⁸ The controlled use of the conventions and the stock resources in the *paddana* helps break its code and locate the motif which is the startling results that would follow in a community if the *incest-taboo-the universal norm* is violated.

A newly married Nagaraja or Nagadaraja locks up his wife Nagasiri Karnage while he was going away for battle, and instructs or takes a vow from her not to open the door for any reason. Siri Krishna, another young man, makes different efforts to full fill his sexual desire towards Nagasiri Karnage. Nagasiri Karnage adopts different roles in order to get rid of Siri Krishna. Her efforts and intelligent escapades bring specialty to her character.²⁹⁹ Siri Krishna's desire turns out to be a revenge when he cannot attain Nagasiri's consent, he thinks it is a challenge to his masculinity.³⁰⁰ Siri Krishna makes overtures to Nagasiri Karnage in the guise of her husband.

When in Indian context, a woman's dignity is mostly restricted to her sexual loyalty, Siri Krishna tries to damage her identity by threatening her chastity.³⁰¹ Siri Krishna creates a feeling of distrust in Nagadaraja about his wife Nagasiri Karnage's fidelity. Nagada beats and tortures her to reveal the truth about her disloyalty. Nagaraja subjects her to a series of ordeals to test her *truth* or *satya* and constancy. She fights back all the challenges put in her way. In this *paddana* a faint barley audible echo of Krishna's pursuit can be heard, in which the father-in-law pursues Karnage up the tree through the branches to the leaf-tips. The presence of the convention of pursuit, though in a variant form in this case, helps identify the theme of Karnage. The real theme is not the inadvertent violation of a vow not to touch the yield of the banana plant set apart for bhuta, Jumadi but masked violation of the incest-taboo. Otherwise the tantalizingly brief *paddana* leaves one wondering why the retribution should be so grotesque and disproportionate to the offence-an inadvertent act of transgression. Nagasiri Karnage's participation in ordeals of chastity should not be deciphered through patriarchal lens as a definable, tractable woman. Nagasiri Karnage sacrifices herself while also undergoing the tribulations posed by her husband. By going through all the challenges her death becomes a unique aspect of her story.³⁰² In her very act of choosing to die, Nagasiri Karnage deploys death as symbolic of woman's protest against male supremacy. She fights against patriarchy and wins against men and their thinking by embracing death instead. She breaks open the plot created against her by inflicting a shocking death upon herself.³⁰³

Koraga Taniya Paddana

Koraga Taniya *paddana* depicts exploitation, cruelty and untouchability followed by the upper class people. In spite of using low class people for all kinds of work, they are kept

away from the mainstream society. This *paddana* narrates the tragic story of Koraga Taniya, a young man of a lower class community. The sudden demise of an individual and his eventual deification is also an important aspect of this *paddana*. The spirit of Koraga Taniya is worshiped by the people of different denominations in society. Hence it could be noticed here that a man born in lower class gets respect recognition after his death which is otherwise denied during his life.

Koraga Taniya's parents Korapolu and Uravana Odi die during Taniya's early age. Mairakke Baidedi offers him shelter, care and love, and this he becomes one long with her two children. Her maternal love appears most vividly here.³⁰⁴ Koraga Taniya is described as an extraordinary man, and the narrators indicate that element of spirituality is inbuilt within him.³⁰⁵ Common folk believe that a divine power is integral to the people performing extraordinary work.³⁰⁶

One day Mairakke Baidedi asks Koraga to make arrangement for seven labours to carry materials to Kadire temple. Koraga express the desire to do the job of all seven people by himself, and instead he asks her to give the food, areca nut, beetle leaves, toddy and paddy of all seven people to him.³⁰⁷ Once he reaches the Kadire temple by carrying the entire luggage, he stands outside the temple. The upper class people in the temple who were standing near the shrines of Marl Jumadi, Mada Maisandaya, Padavu Lekkesiri, Kinni Kodengudara order Koraga to put all the luggage outside the temple if he belonged to lower caste. He was not allowed to enter into the temple premises owing to his lower caste status.³⁰⁸

But Koraga oppose the instruction of upper caste people and challenge them by saying, "why should not I be in the temple premises when the things like banana, coconut that I have got please the deity."³⁰⁹ When he was sitting in the temple surrounding, he noticed a Kaipura fruit hanging from the tree. As it was a favorite of his mother he tried to pluck, and as soon as he placed his leg on the temple taper, he vanished without trace.

Another version of Koraga Taniya *paddana* explains that while plucking kaipura fruits from the temple premises, he died due to the malevolent force of Maisandaya *bhuta*³¹⁰. According to both these versions, entry of a low caste man into the kadireya temple is a sin. Hence he disappeared (*maya*). *Maya* in *paddanas* is a supernatural conceptualization of death.

Untouchable Koraga Taniya must have died due to the punishment given by upper castes for the sin of entering into the temple. Later on this death was explained as a result of Maisandaya *bhuta*'s influence or the *maye*/miracle of god. It is an important example of how the power and restrictions of upper caste people result in the death of an innocent lower caste youth.³¹¹ It is a witness to the ruthless customs and traditions of caste hierarchical society, also practicing untouchability, which leads to the death of humanitarian values.³¹²

Thus the low caste community tries to find justice for the murder of a young man belonging to their community by according him deified status, weaving narratives of miracle around him and thereby claim justice in the realm of *maya* that is lost in *joga*. The manner in which a caste hierarchical society claims the life of a young dalit man, and the way he is identified as a cultural hero by the Dalits themselves. It displays dalits' conceptualization of other-world as well.

Koddabbu Paddana

It is another story of a lower caste man attaining deified status. This scheduled caste boy belonging to Mundala caste was brought up in the household of an upper caste. The same aspect could be seen in Koraga Taniya *paddana* as well. This *paddana*, however, describes about miraculous deeds of a dalit boy.³¹³ The relationship between master and servant depicted here is a harmonious one. This *paddana*'s central subject is the dedication with which Koddabbu becomes doctor, magician, scholar, etc., and at the end, how he became a victim of the plot created by the jealous upper castes of same profession.³¹⁴

Kodange Bannaru Kantabaaru of Kacchidara *mane* (Kacchuru *beedu*) came across an orphan female child in a Scheduled caste locality. Kantabaaru and his wife Siri Konde Baaregedi adopt this child and name her as 'Kacchuru Maldi,' and was brought up with love and care from the couple. When she attained puberty, a grand ceremony was held. There are many stories that narrate immeasurable love and care given by the upper caste people to the child of lower caste. For example, Mairakke Baidedi protected and gave shelter to Koraga Taniya. According to Surendra Rao, every such instance of generosity that has tried to cross over the boundary of caste has ended up with tragic note at the end. These are interesting instances and both human and divine forces help in ordinary moments.³¹⁵

One day after consuming victual or prasada from deity, Kacchura Maldi became pregnant. It is described as 'holy womb' in this story. But Kodange Bannara was held responsible for Kacchuru Maldi's pregnancy by her community people. Involving all elders in community, *Patteri Koota* was arranged, and Kacchuru Maldi undergoes many tests to prove her father's purity. She was dipped in boiling oil; hot metal ball was given in her hand; she was asked to take out a lemon from the mud pot filled with poisonous snakes, etc. By undergoing all the ordeals suggested, Maldi proves her father's integrity. According to Surendra Rao, it is difficult to unearth the mysteries surrounding the notions of 'holy womb' in different *paddanas*.³¹⁶ As faith is more important than analyzing such supernatural or divine aspects, he suggests it important to keep oneself away from such decoding attempts.³¹⁷

The superhuman incidents started from the pregnancy of Kacchura Maldi continue to her son, Kodida Babbu, who is also called as Bale Baraga. Maldi dies soon after giving birth to the extraordinary child. Kodange Bannara and Sirikonde Baregidi extend the same unconditional love to this miracle child, as they had done to Maldi. He becomes popular for his extraordinary strength, and from his own effort he learnt to hunt well. Due to his singular deeds, many stories of miracle came to revolve around his character. For example the hunted dead crow and chicken come to life when Kodida babbu uttered chants; he saved a cow from a deadly crocodile's mouth; provided medicine to cure people's wounds. In spite of enormous support from Kodange Bannara, other upper caste people felt jealous and angry about Koddabbu's power. They contrive to murder him. Kings of Katapadi and Vitla and a man from Mangalore called Buddivanta knit a plot to kill him. They dig a new well and asked Koddabbu to make water appear in it. They arrange sharp spears at the bottom, covering it with slabs so as to kill him and bury Koddabbu there.

In front of everyone Koddabbu got stuck in the plot made against him. Including Kodange Bannara many other people watched Koddabbu struggle helplessly. Another female miraculous girl Tannimaniga belonging to Mugera caste came forward to save Koddabbu. By letting her *saree* down, Tannimaniga helped Koddabbu to come up who was stuck under the stone slab. Koddabbu and Tannimaniga thus proclaimed sibling relationship and disappeared into the spiritual world. He built seven rounded fort and settle on Ghats and thus came to be called as "Koddabbu" or "Babbu of forts." Both brother and sister attain deified status and came to be worshipped by people of different

communities. Kodange Bannara and his wife were relegated into background with the arrival of Tannimaniga. Nevertheless, their love and support for both Koddabbu and his mother remains in memory forever.³¹⁸

If we remove the supernatural threads in Koddabbu *paddana*, we could say that he would either have died in the well, or after helping up by Tannimaniga. This *paddana* mainly focuses on the fact that a boy belong to lower caste in the society can become brave and intelligent. The same characteristics also lead to his tragic death unfortunately. He gets respect in the society for his bravery and becomes a cultural hero in later life.

On the other hand, the character of Kodange Bannara is not developed sufficiently in the *paddana*. The characteristics of Kodange Bannara and his wife is more of helping and merciful towards others. While the narrative in general carries undertones of caste hierarchy, and Babbu and his mother's extraordinary skills threaten the balance of caste status, Bannara and his wife extend parental love towards them. Their nature was unlike other landlords or rich people in the society who, treated lower caste people as untouchables, as bonded laborers. They had to go through suspect and rejection from their own community when Maldi become pregnant. They extend their benevolence towards Koddabbu as well. In spite of their humble and helping hands, they were unable to fight against the plot created to subdue Koddabbu, and thereby resist exploiting people. At least temporarily, their role was fulfilled by Tanimaniga. They exploited themselves fighting against the societal suppression could have been the aspiration of this *paddana*. Others could only sympathize or stop from involving in evil deeds. Even if an immediate justice is not assured one has to fight himself. The *paddana* reassures that if not in earthly life, justice could be attained in divine world for sure. As a matter of fact, the aspiration of making Babbu as a super natural hero might be the reason for the passive gesture of Kodange Bannara.

Mudda Kalala Paddana

Mudda Kalala *Paddana* narrates the tragic story of twin brave brothers belonging to Mugeru community. They were also known as Kelatha Perne and Enmura Daiyu. It also shows the intolerance and cruelty of their society. The mysterious death of twin brothers Mudda and Kalala who had been to a pond called 'Devara Gundi' to catch fish is a gist of this *paddana*.³¹⁹ They become cultural heroes of the Mugeru community after their mysterious death. According to this *paddana*, Mudda and Kalala belongs to Bale

Bangadi region of Muger community. It was estimated that there were 60 members in the community and all of them died due to small pox disease.³²⁰ The only two surviving members out of 60 were Kelatta Perne and Enmura Deyyoe.³²¹ As Kelatta Perne was born in lower region, he got that name. Similarly as Enmura Deyyoe was born in Enmur region, he attained that name³²². They had a sister by name 'Tannimaniga,' who was married to Bolada Bhadra Kelanja, an adopted son of Bolada Madanappa.³²³

It is said that Kelatta Perne and Enmura Deyyu went for hunting with Koti Chennaya to Yengira and Maderi forest. As they donot find any prey to hunt, they decided to go for 'water hunting' or catch fish.³²⁴ There is a reference of three ponds in *paddanas* i.e., *Sirikku meepi gundi* (pond where Siris take bath), *Kanyelu meepi gundi* (pond where girls take bath) and *Devere jalaka gundi* or *Bollile gundi* (pond where Gods take bath).³²⁵

It is believed that these two brothers polluted the pond by catching fish in it, and later on they ate fish after cooking it in Aggu Baidyedi's house.³²⁶ After consuming alcohol beyond control, they lost consciousness and returned to the pond to catch more fishes. The twin brothers mysteriously disappeared at this moment. While extracting toddy from the tree, a man called Ajiladi Chennaya Baidya witnessed the whole episode. After going back to his house, he narrated the whole story to his mother, and come back to the pond only to find the dead bodies of twin brothers.³²⁷

Paddana does not explain reason behind the mysterious death of twin brothers. It is possible that the upper caste people must have killed them for entering into the pond and polluting it, for whom this must have been an unpardonable act. Tresspassing the society's barriers was Kelatta Perne and Enmura Deyyoe's major mistake. Even though it says they were drunk during their act, it could also their protest against such caste prohibitions. Though they couldnot get justice in reality, they found it in the world of *maya*.

Mayandal *Paddana*

Fighting against injustice is the main theme of this *paddanas* as well. Mayandal *Paddana* revolves around a woman called Manibale or Mayandal and also shows the different dimensions of clash and stringent attitude between Billava and Bunt castes.³²⁸ That doesnot mean that these caste groups were always engaged in feuds. It indicates the challenges laid to Bunt *guttu* who evolved their existence and authority through social

leadership and land ownership.³²⁹ This story is interesting also because it gives us an idea of the society which existed a few centuries ago, and exists even today. The social customs, ritual practices, belief systems, the close affinity among the members of the same community and at the same time the ill-feelings, rivalries, the demand for retributive justice are presented before us quite graphically.

The worship of Mayandal or Manibale is a very unique tradition in Tulunadu as she is a deity meant to oversee well-being during child delivery. Emotions attached around childbirth are ecumenical. It is a touching situation, concerning all women. They identify their condition with that of Mayandal. Attendant agony, ecstasy and perils of pregnancy, make them to look up at Mayandal as succor in their distress. In a matrilineal family structure, when men dishonor their role and responsibility, it is the women of the family (sister and daughter-in-law) who become the most common victim.³³⁰ It also elaborates that it is women who take revenge against any injustices meted out against their brother or maternal uncle after attaining deified status in the world of *maya*.³³¹ According to the laid cultural norms, worshipping gods of the house, family and village is of paramount importance. When a man of the family trespasses rules and responsibilities, these deities could punish for their irresponsibility. This sentence is generally aimed at womenfolk of the family who sustain its internal spirit, and thus lead to the destruction of a lineage.³³²

According to the Mayandal *paddana*, the landlord of Pangala Gudde Bunt Pangolla Bannara had a dream in which *Malai Jumadi* asked for ceremonial ritual offering or *balinema*, which was also confirmed by the soothsayer or family priest.³³³ Pangolla Bannar makes all arrangements for *Malai Jumadi balinema* in his manor house. He ordered village people to get tender coconut leaf and tender coconut (*siri -siyala*) for *bali nema* as per the demand by *bhuta*.³³⁴ It is also customary to donate arecanut flower or *pingara* on such occasions. But this instruction of Bannara was refused and ridiculed by a young Billava man by name Alivoli Nayaka, thereby ignoring the cultural regulations.

Alivoli Nayaka refuses to give and haughtily conveys his intention by uttering, *For one tender coconut and siri, I will send one kayerda kayi* (nut of strychnine tree) and *mundevuda oli* (thorny leaf of a screw pine tree). When Pangolla Bannara could not control the protest of Alivoli Nayaka, he complains against him to *daiva Jumadi*. Receiving Bannara's verbal complaint, Jumadi appears in his courtyard and gradually transforms into a tool of Bannara's authority.³³⁵ It assumes the responsibility to accord

ethicality to feudal hierarchy, and control the rebelling forces within.³³⁶ Even Jumadi *daiva*'s act was in favour of the affluent here. Alivoli Nayaka's refusal to conform with cultural norms resulted in his sister Manibale paying the price.

From the ritual arena, *daiva* jumadi arrives at Alivoli Nayaka's house disguised as Pangolla Bannana. It asks for burning cinder or charcoal from Manibale who had delivered a child just three days ago. She entreats that she cannot come out as she is in confinement having given birth to a baby and is under puerperal treatment under the care of her household elders and midwives. She suggests waking up any one of them but deity commands not to do so but herself come out to give the cinder. The deity spreads a spell, sending her household to deep sleep. As soon as she steps over the door-step to give, Jumadi abducts her into spiritual realm of divine power or *maya*. Manibale wants her baby too, so both get *maya* form. When Manibale gave charcoal to him, Jumadi disappeared along with Manibale and her child.³³⁷

As soon as Manibale attained deified status in the divine world, she turned out to be a powerful goddess to protect her brother and punish Pangolla Bannara. When Alivoli Nayaka realized that his protest and cultural breach resulted in the mysterious death of his sister, he went back to Pangolla Bannara with tender coconut leaves, and requested him to forgive. But arrogant Bannara rejected his request. Looking at the pathetic condition of her brother, Manibale took a vow to punish Pangolla Bannara and inflict him the same pain of separation from his loved ones. By taking away a lactating mother Duggamme who was Bannara's niece to the world of *maya* Manibale tries to punish Pangolla Bannara.³³⁸

When Manibale became victim of Bannara's cruelty for mere tender coconut leaves and tender coconut, she also eventually becomes a powerful force whom Bannara comes to worship. This is a victory or justice she attained after her entering into the realm of *maya*. It is important to observe that Manibale is established as force to question and control Bannara's social, political dominance.³³⁹

Mayandal *paddana* is surrounded by complex and stringent diversions as many other *paddanas*. Formal existence of *Malai Jumadi* and establishing worship conducted by Bannara indicates the establishment of new *guttu*. According to Surendra Rao, Pangolla Bannara tried to get villagers' acceptance through ensuring the existence of *Malai Jumadi*.³⁴⁰ Alivoli's rejection to give symbolic gifts to the new god turns out to be his

mistake. It could also be the result of spoilt relationship between Alivoli Nayaka and Pangolla Bannara, or like Bannara, Alivoli Nayaka could have also be a landlord of big stature.³⁴¹ Because rather than directly taking any action against Alivoli Nayaka, Bannara complains to Jumadi *daiva*. Probably Pangolla Bannara didnot have much strength to oppose the billava leader.³⁴²

With the help of Jumadi *daiva*, Pangolla Bannara tried to take revenge against Alivoli Nayaka. This shows the hierarchical tendency in gods and their favour towards upper caste rich people. However, it is not appropriate to generalize it as well.³⁴³ The same Jumadi *daiva* did not intervene when the newly inducted goddess Manibale tried to take revenge by abducting Bannara's niece. It raises the simple question of – Why is it that Jumadi *daiva*, who was used as an instrument to take revenge for Bannara, remained silent in the case of Duggame?. So in her existence as an inhabitant of the world of *maya* or illusion Manibale interacts, for instance, with the high caste womaen in the real world and punishes them for their unjustified haughtiness. But interestingly in the world of *maya* also, the laws of justice donot seem to operarte differently. Manibale as Mayandal punishes Pangolla Bannara, who got Alivoli Nayaka punished through Jumadi by getting Bannara's neice transported in to the world of *maya*, by getting Bannara's neice drowned in the pond. Someone else has to pay for the wrong of Pangolla Bannara, here his neice.

Thus, *paddanas* are essentially narrative and supernatural. But in addition to the supernatural elements, they have the features of a story; for instance a plot which is made up of several incidents which have an organic relationship between them. At the centre of the plot is a conflict or several conflicts which get complicated in the course of its development but ultimately ge resolved, temporarily or permanently. Ultimately we look forward to *justice* by way of punishment for the wicked or the establishment of righteous people at the proper position of responsibility. In a folk legend we may even see the deification of the victim of injustice in the work-a-day world as a deity to be worshipped eventually. Behind this simplistic overtone there are hard facts and tragic implications. It seems as if the legends are a defense mechanism developed in the folk consciousness in order to deal with the harsh realities of the world.

In the real world there is a lot of *injustice*. The culprits often escape. There is no rational relationship between the efforts of the people and their rewards. The wicked prosper and the virtuous suffer. The weak are exploited by the powerful. The working classes are

often exploited. For the sake fulfilling the ambitions of the moneyed or influential people the interests of the common people are often sacrificed. The popular mind cope with this by getting into the world of supernatural narratives which is ideal and where *justice* rules. The characters of supernatural world often interact with people in the real world and apparently rectify the situation brought about by accidents, actions or misdeeds of the real world. The border between the real world and the supernatural world is very thin. Infact the supernatural world is not conceived as supernatural. It is just the extension of the real world.

In a folk narrative there is generally a her or a heroine, who vanishes and is transported to the world of *maya* or illusion. He or she continues to exist, though not in flesh and blood, but in spirit. Apparently he or she gains the ability to communicate with others who have been transported to the world of this illusion or *maya* and they retain their powers to communicate with living people, often by manifesting themselves in their body. This is slightly at variance with the other belief that the souls of the dead are born again. They may undergo cycles of births and rebirths. In the folk tradition, as narrated in the above stories, the individuals do not die but disappear and exist no longer in flesh and blood, but in spirit. In the world of illusion or *maya* a different dispensation is expected, if not experienced. The very victim of *injustice* in the real world becomes the dispenser of justice in the world of illusion or *maya*. He or she punishes oppressors responsible for the disappearance and transportation into the world of illusion. Infact, this expression of disappearing and getting transported into the world of illusion is a euphemism for getting sacrificed, killed or persecuted.

In this way, folk literature sends across many symbolic messages. It works outside the traditional structure of power. It could not only question the whole idea of cultural centralization, but could also build its own power structure. *Paddanas* are a very significant oral source in reconstructing the history of Tulunadu. *Paddanas* not only explain about exploitation of people under feudalism but also express its anger and dissatisfaction against such exploitations. They elucidate the struggles of working class against the affluent upper strata. They are a treatise to understand how justice denied in the human life is acquired in the non-human realm, if not in *joga*, it is attained in the world of *maya*.

Conceptualization of Justice and its adjudication in the real world of *Bhutaradhane*

Symbolisms play an important role in expressing human life as well emotions. People express their different emotions like love - happiness, sorrow, pain, desire, trust, fear, devotion and so on, through dance, music, gestures and conversation. The conceptions of such medium or system are always symbolical in nature. The chartered aspects of *bhutaradhane* are suffused with emotional artistic elements as well. The folk experiences of the people of Tulunadu are expressed through *bhutas* and associated art mediums. Due to the perfect blend of art, *bhutaradhane* has evolved as an expression of a community's sensibilities. There is a significant relationship between art and symbolism, and as the world of art gets expanded symbolism also gets added on to it. Observance of *bhutaradhane* is a combination of many arts that is rich in symbolism, expressing the sensibilities of its performer.

The concept of *bhuta* is unworldly in nature and thus doesnot come under the purview of actual or real world. By having faith in the power of protecting good and destroying evil, *bhutaradhane* has assumed multiple significations for the practicing community. As the *bhutas* embodied by nalike, parava and pambadas, the make-up, attire, colour, customs, costumes, dancing patterns, etc, contain many regional variation, all the historical details offered by *bhutaradhane* are not based on actuality. Employing mediators as their representative, the *bhutas* become symbols of trust and faith in the form of *bhuta* performer. As a delegate of *bhuta*, the performer expresses the emotions, aspirations and verdicts of *bhuta*. People's faith makes them consider the artistic impersonator as *bhuta* itself. Devotees offer gifts and vows to the presiding *bhuta*. All these ritual acts render the atmosphere supernatural, thereby creating a realm of symbolism.

Bhutaradhane also consists of the brilliance of imitation. In the eyes of people who accept and worship *bhuta*, the performers infuse their artistic capacities and emotional involvement in order to recreate the existence of a *bhuta*. It is as much a creative endeavour as it is symbolic, their emotions and give life to *bhutaradhane*. Having a mythical basis, the invocation and worship of innumerable deities like Panjurli, Kalkuda Kallurti, Ullalti, Ullakulu, Malaraya, Kodamanittaya, Durgallayi, Panjanattayi, Pili Chamundi, Pili *Bhuta*, Ali *Bhuta*, Koddabbu, Tannimaniga, Koti Chennaya, Koraga Taniya, and so on is a complex reflection of the entire realm of human psychology.

Bhutaradhane and paddanas

Although the substitute terms of *paddana* and *sandi* incorporate features of folk poetic stories, they are related to *bhutaradhane* narrating the history of *bhutas*. This corpus of literature is identified as mythology of Tulunadu or as poetic stories of *bhutas*. They are sung during the staged event of *bhutaradhane* by the performers and his related people. During elaborate make-up for *bhutaradhane* and while embodying the divine spirit, the *bhuta* performer sings portions from *bhuta*'s birth, its brave deeds, miracles, etc. in the presence of audience, they attractively sing these portions attuned by the drum of *tembare*.³⁴⁴

We can consider *bhutas* as a kind of spirit, and the guiding principle behind its functioning is people's faith. An attempt and desire to win over and venerate these *bhutas* constitutes its worship system. Conducted in rural areas, this worship includes costume, make up, colour, dance, literature, verbal transaction, and so on evolving it as a folk theatrical form. It generates as result of people's faith, fear, art thus fulfilling both worship as well as entertaining arena. The literary corpus of *bhutaradhane* includes *sandi*, *paddana*, *paari-madipu-nudikattu*. These texts provide details about both *bhuta* and its associated rituals. However, in today's context *paddanas* have retained their significance more for the socio-cultural voices it express, than for the ritual context.³⁴⁵

There are ample numbers of *paddanas* detailing the other-worldly subject of *bhutas* or supernatural beings. *Bhuta*'s origin, their adventures and diffusion pattern are the three important faces of *bhuta paddana*.³⁴⁶ Details of their peregrination, miraculous performance, ritual significance are supplied sufficiently. They are produced in refrain mode as well. Despite harbouring fictitious and impossible elements, it is not possible to deny their historical materiality. Along with the worship pattern of *bhutas*, they also display the struggles, fight, aspirations, exploitation, rebellion, protest, cultural functioning, sociality, mystery and tragedies of the people of a particular period.

Paddana portions sung by performers their elaborate make-up provide a picture of *bhutaradhane*. The entire pattern of *bhuta* worship could be divided as follows: 1. Deciding the auspicious day (*kail kadpunu*) 2. Bringing *bhuta*'s paraphernalia (*bhandara*) to the location of *utsava* on the stipulated day. 3. Drawing *mandala* in the courtyard near flagpole and placing *homa* on it; creating *paniyara*, *swastika* and *balimudra*. 4. People of different denomination indulge in their carved out tasks. 5.

Supplying padi rice or labour and oil to the performers or *enne boolya* or *osayo sandi*. 6. Painting the bathed performers face with *ardala* colour. 7. Gaggaradecchi or possession prior to wearing anklets and tying the head gear or *ani* to the performer as he stands up. 8. Wielding sword and wearing mask. 9. Possession, spreading rice and flower and rounds of *bali*, dance in the ritual stage. 10. Verbal blessing (*nudikattu*) and fulfilling the vows. 11. Distributing victuals, consuming meals (*barane*) 12. Expressing satisfaction; de-possessing. 13. Returning the *bhandara* or treasury to its place.

These day-night rituals have a lot of variation in terms of deities, regional and natural variants. There is no laid out guideline for the *dharma* and art of *bhutaradhane* transferred from generations to generations among folk. Its scriptures are its experimentation, and they constituted at the moment of observance. The independence and experimental potential offered by *bhutaradhane* is indeed a justice extended to its artistic nature³⁴⁷.

The relationship between *bhutaradhane* and *paddana* could be identified at three levels: the contexts of *paddana* singing; the stories it involves; and, the mode of expression during ritual context, the picture of *bhutaradhane* supplied in *paari*, *paddana* and *nudikattu*.³⁴⁸ Rendering *paddana* also evokes necessary ambience for theatrical activities. The *bhuta* performer is required to function as a representative of divine *bhuta* in the intermediary realm evoked at a particular place, time and environment. A human from parava, pambada, nalike castes appear as a symbol of divinity. Therefore, he is required to transform into from the human to the divine world stage by stage. Such an act of multiple-staged personification is facilitated by the singing of *paddana*.³⁴⁹

Generally *paddanas* are sung during following stages: receiving the sacred oil; while applying make-up after the bath; while wearing headgear, mask and weapons. The *paddana* portion sung while receiving the sacred oil is called as *osayo sandi*. It prepares the performer's body for ensuing possession. It includes the originary story of concerned *bhuta*. Thus, the performer is psychically readied to embody the deity.³⁵⁰ *Bhuta*'s dissemination, its miraculous activities are sung while elaborately preparing for possession. The performer is aware of the complete narrative of that particular *bhuta* which will be rendered at different stages of preparation for impersonation.³⁵¹ Make-up and other dressing are carried out in conjunction with the story of *paddana*, thus preparing for the next stage of *bhuta* worship.

Gaggaradecchi or wearing anklets is an important component of inviting the *bhuta*. The *bhuta* performers stand before the flagpole and gaze at the paraphernalia box (*bhandara*) kept nearby. This treasury box is believed to be residing place of the *bhuta* to be invoked. Anklets are a very significant item in the *bhuta* treasury. Taking this anklet in hands and dancing, roaring with it is called as *gaggardecchi*. *Gaggardecchi* is an intermediary stage between human and divine, and the nature of invocation is in its aggravated form during this stage.

Wearing the head gear and holding its weapons is an important aspect of *bhutaradhane*. This is a stage of travelling from the visible to the invisible realm.³⁵² The nature of worship is described through *paddana* portions here. *Bhuta*'s travails across region, the recognition it received from people in the form of long head gears, precious swords and masks is sung during this stage. With the help of head gear, mask and weapons, the *bhuta* performer raises to divine level. The intimacy *bhuta* has built with people is performed at this stage. Chinnappa Gowda, argues that there is a direct relationship between *paddanas* and the preparatory acts before possession.³⁵³ The ritualistic aspects of *bhutaradhane*, according to Gowda, are presented in detail during *paddana* singing. As it comes as a part of the preparations for ensuing rituals, it can be considered as a foregrounding emotion in the religious theatre of *bhutaradhane*.³⁵⁴

When animals and cultural heroes have to be inducted into the worship tradition, there is a necessity to use theatrical devices like colour, dance and costuming to establish their divinity. Detail of the extraordinary life of cultural heroes is the subject matter of *paddanas*. The real life tragedies of deified humans like Koti-Chennaya, Kalkuda-Kallurti, Koddabbu-Tannimaniga, Koraga Taniya, Gilirama, *Purusha bhuta*, *Ali bhuta*, etc., pictured in *paddanas*. Most of the *paddanas* narrate the accidental death of a male or female, and their eventual induction into the *bhuta* group. In places like Kelinja, Mani, Anantadi, etc., the tragic death of a female is sung during the Ullalti *bhuta utsava*. *Paddanas* carry a motive to evoke fear and faith among common people.³⁵⁵ A contested truth about the *bhutas* is conveyed through *paddanas*. When a person meets sudden death in battlefield or murder or suicide, his soul would be worshipped by his following generation. Some examples are, Koti-Chennaya, Kalkuda-Kallurti, Bobbarya, Koddabbu, Koraga Taniya, and so on. A combining emotion of sympathy on the deceased and respect towards his or her valorous deeds elevate them as cultural heroes, thereby

receiving people's devotion. Characters in *paddana* are generally from the lower strata, voicing their helplessness and the existence of class struggle of that period.³⁵⁶

***Bhutaradhane* and Social structure**

Bhutaradhane has a historical relation with the administrative system of Tulu Nadu. It has evolved as a parallel system for the political and administrative set up of Tulu Nadu during Vijayanagara kingdom. It developed during the Vijayanagara kingdom as a political, administrative and social system with the continuous help of local rulers and feudatories. It has remained as the judicial wing of administrative set up. It is evident that *bhutaradhane* evolved as a system by the social stimulation of medieval period. It is also a very ancient folk theatrical art of Tulu Nadu which is closely bound up with human life and social traditions. Religiosity is a major feature of this folk performative art. Many rites and practices followed during its performative context highlight its religious founding as well. However this worship tradition has not sustained and grown merely due of its religiosity. All through the Tuluva society and history, it has established a unique relationship. This relationship could be discussed from the perspectives of social, cultural, political, judicial or curative, etc.³⁵⁷

Tuluva society has historically been caste-ridden. In this caste-ridden society the people who possess political power are from the upper strata of social hierarchy. The advisory body is largely occupied by Brahmins who also occupy the same upper strata as rulers. Brahmins also have prominent position in religious terms as priests, astrologers, and temple chiefs. They have a huge influence in charging the political administration with religious undertones.³⁵⁸ At *seeme* and *magane* levels Jains appear as the chief executors of authority, and Bunts occupy significant position as rulers of socio-political system at village or *grama* and *guttu* levels.³⁵⁹ All the other castes of Tulu Nadu like Gowda, Billawa, Madivala, Kumbara, Ganiga, Male Kudiya, Vishwakarma, Devadiga, Barber, Bovi, Mugeru, Mundala, Pambada, Parava, Nalike, and so on are at the lower rungs of socio-political system of Tulu Nadu.³⁶⁰

In terms of administrative powers, *grama* was larger than *guttu*, *magane* from *grama* and *seeme* from *magane*. Accordingly the status of each of its chief also increased. *Bhutaradhane* should be perceived as a product of such a hierarchically guided feudal structure of medieval Tuluva society.³⁶¹ In such feudal set up, sustaining land ownership becomes an important issue. There is a direct correlation between an economic issue like

land ownership and political administration. *Bhutaradhane* has been evolved and maintained as a system so as to protect the hereditary control over political power and rights over land. Hierarchical society and ownership of land have created *bhutaradhane* as a social practice.³⁶²

The structural feature of Tuluva society has relations with the structures of *bhutaradhane*. Infested with the hierarchies of caste, Tuluva society has created chasm between people belonging different caste and other denominations. People belonging to a particular caste and community observe different life-cycle and periodical rites, and thereby evolve a formulaic/inner culture. And, the same culture becomes 'outside' or extraneous for other social groups.³⁶³ Different groups thus evolve different identity through such conceptualizations. Notions of purity-pollution, high-low, civilized-uncivilized, etc authenticates such fissures between communities. For the people occupying the highest position becomes 'pure' whereas the people from lower rungs appear as 'impure.' *Bhutaradhane* also has a unique affinity with such notions of high-low and purity-pollution. The literary face of *bhutaradhane*, *paddanas* project the pangs, fears and exploitations of a caste-ridden society.

People of all caste participate in *bhutaradhane*. Nalike, Pambada, Paravas have remained its central individuals. While management is in the hands of the upper class, other preparations of *bhutaradhane* and mobilizing finance is handled by the lower class. As many communities participate in it, *bhutaradhane* has acquired a social characteristic.³⁶⁴ There is an illusion that in the *bhutaradhane* of village or *magane* or *seeme* a social harmony is established. There are folk scholars who argue that during such festivities of village people belonging to different castes and groups display a close unity. However, when we look at the caste system and feudal despotism existing in such societies, the above argument seems unfounded. What we notice during village deity festivities or *nema* is their connection with the cultural life of manual labours belonging to lower strata. The question that arises here is , how and why is it that in such festivities predominantly vegetarian upper castes participate ?. An observation of the different tasks performed by different social groups during *bhutaradhane* reveals the crux of its social equality. From any perspective we cannot notice that during such rites our society's intrinsic hierarchy is anyway affected. While lower castes fulfill their duties with humility, the upper castes encash from those services, and display generosity through donations. For example, although *bhuta* embodies either a Parava or Pambada body, it

keeps the village chief (generally jain or bunt) and associate brahmin priests on either side. Other castes like Gowda, Billawa, Devadiga, Madivala, Mogera, Mulya, Mundala and so on are perceived at lower levels. The cases officiated by *bhuta* as chief justice are always related to land and property rights, reclaiming loan, punishing thieves and moral transgressors, etc. In most of the cases appealing party is an upper caste person and the accused is from the working class. A particular *bhuta*'s worship today has not remained within the bounds of particular caste. The extreme acts like *bhuta* performer swallowing fire, screaming, cutting himself, walking on the cinders, etc have not remained at individual levels, but have occupied scope among many social groups.³⁶⁵ *Bhutaradhane* is a collective expression of the society. It will find its creative functioning within the society until the same society is ridden with caste system and other inequalities. It will acquire meanings as a part of the larger social system.³⁶⁶

But there is another face of it. A *daiva* has its own boundaries and also a family. It identifies particular families and people for its stipulated service. However, due to the social transformation it is likely that people will drift away from its purview. If father is a *daiva* priest or mediator his son might not have the inclination to carry forth his ancestral tasks. Attaining education and settling in different regions is also a reason behind such change. Because they drift away from the physical space of *bhuta*, there might develop sluggishness towards faith in *bhuta*. Also, a task performed by a particular house for generations will not be carried forth by another. Naturally this leads to a hindrance in the administration of *daivasthana*. In such cases, the management or *guttu* chief complain before *bhutas*. They pose threat to such disagreeing families in the pretext of *bhuta*'s curse, punishment, etc. it could be said that alternatively they disrupt peace in such households.

As a matter of fact, only those who are entangled in the web of *bhutaradhane* realize its complexity. Once inducted into its system, it is difficult to escape. There is no value of individual freedom, and everybody is bound by its structure. If there is an attempt to sneak out of this system, such an individual will be labeled as betrayer of *bhuta*, as criminal of society. By creating a sense of guilt he or she would again be forced into the same system. This is a vile strategy of people gaining social recognition and prestige from it. Such authoritative self-interested groups force people into its structure. Fearing harm and curse towards him and his family, an individual is compelled to continue to be a part of the oppressive system. A notion of a deity's curse merely functions on the basis

of faith here. Biggest tragedy in this context is its overall impact on the mental well-being of that person. They might turn out to be a source of his future worries and sickness. *Bhutaradhane* also is a system that is aware of such individual weaknesses, and such failings are utilized within the system to control common people.

***Bhutaradhane* and secular administration**

During the rule of Vijayanagara kings, as discussed in the third chapter, the entire Tulunadu was brought under a centralized administration. We can reconstruct a picture of the political system with the help of ancient inscriptions of Tulunadu, especially with regard to governance, administrative divisions, appointment of officials, tax collection and political alliances. Different administrative units like *desha*, *rajya*, *nadu*, *seeme*, *magane*, *grama*, *uru*, *chavadi*, *guttu*, and so on are detailed in the inscriptions of Vijayanagara period.³⁶⁷

Rajya, *nadu*, *seeme* and so on were the main units of administration of a geographically vast territory. *Magane* was a part of *nadu* or *seeme*. *Magane* also meant an administrative unit. It consisted of many *gramas*. Some villages came together to form a *grama*. A village comprised of many families, i.e., *kutumba* or *okkalu*. From administrative point of view, *okkalu* or *kutumba* was the smallest unit, and *seeme* or *nadu* was the largest of such a system. The hierarchical administrative system of Tulunadu could be described in the following ascending order.

As mentioned in the earlier chapter, *Kutumba* or *okkalu* came together to form a *grama* or *uru*. If *magane* worked above *grama*, *seeme* or *nadu* functioned above *magane*. Another distinctive feature of Tuluva administration was the unit of *guttu* in *gramas*. A *grama* generally consisted of four or eight *guttus*.³⁶⁸ It is a house that assumes larger role in village administration and in worship traditions. *Guttinar* or one who is the chief of a *guttu* is responsible for handing over a part of the income of that particular village to state treasury.³⁶⁹ Different administrative officials were called by distinctive names like *odeya*, *arasu*, *dore*, *ballala*, etc. Place in which the king resided was called as *aramane*, and his authority was hereditary. *Chavadi* was a place where all officials related to provincial or *seeme* administration came together. *Chavadi* also means a conference hall or a judicial assembly.³⁷⁰ Seated on the throne of *chavadi* many important administrative decisions were taken. During the coronation of a king, he was brought to the *chavadi* and made to sit on the throne. He was bedecked with the silver crown-ring in his finger, and

called by the official name of the throne. All these tasks were performed by the people of *guttu*. Each *guttu* of *seeme*, *magane*, or even of villages had distinctive generations old names for the chief ruler. It was called as *pattada hesaru* or crown name. For example, the crown name of Mulki king was 'Chennaya Savanta' and 'Duggana Savanta.' While one generation was called by the name 'Chennaya Savanta,' the succeeding was called as 'Duggana Savanta.' In Mudabidire, the king was crowned with the name of 'Chowta,' and in Nandalike as 'Pergade.' The prospective king's birth name would be discarded to assume the customary crown name of the particular place.

With regard to the village administration, chief decisions were taken by *uravaru* or elder people of the village. However, such decisions had to be ratified by the King or higher authorities. Titles like *grama*, *jagattu*, *mukkalde*, *tantraluva*, *purohita*, *mahajana*, etc were related to the village administration. Inscriptions of the Vijayanagara period term these titles as *kattale*. *Kattales* assumed important role both politically as well as socially. The political and social system of ancient Tulunadu was symbolically called as *purvakattale* or *purva maryade* (aged old tradition). The people of *kattale* (*kattaleya mandi*) or regulators had to approve any political or social change. The associates of king in the court were called as *chavadiya parivara* or the family of *chavadi*. After discussing with *chavadiya parivara*, the king used to give any judgement or take decisions. The administration of justice was a part of the system. The justice imparted here was within the frame of centralized political power and was a part of the castiest hierarchy.³⁷¹ The 'justice' decreed here was guided by the King and his power structures perspective. Therefore, we need to understand this justice as an administratively convenient edict dictated by the King and his followers.³⁷² The chief duties of the then system of governance were to preserve customary politics, to maintain harmony between different caste groups and to sustain the principles of *Varnashrama dharma*, and so on.

Routine aspects of each administrative division like *seeme* or *magane* or *grama* was conducted by a unit called *ajalu*. *Ajalu* referred to the authoritative unit of a *grama*. People from all castes extended help to the chief *guttu* under *ajalu*. Although *guttu* was at the highest level of administration in a village, in actuality a unit called *ajalu* consisting of all villagers existed to carry out the duties. In the village system different groups of *ajalu* were inter-dependent. The responsibility of *ajalu* is hereditarily passed on in families. However, a *gurikara* or chief was to be selected by each generation, and he had to assume role after the custom of *gadi*. There were two stages of officially

assuming the administrative power of a *grama* or *seeme*: one was the authority over *grama* through *guttu* ownership, and the next is assuming control over *seeme* through official coronation. His power will be symbolized through a crown ring in the finger.

The authority center of a *grama* was called as *patteri koota*. Consisting of people from the *ajalu*, *patteri koota*'s role in a village administration was quite significant. The role of *ajalu* and *patteri koota* was significant during battles and religious social contexts. They paid attention to the village problems, and fulfilled the role of functional leadership. Although tasks were conducted as per the command of *guttu*, assistance from other people was of great significance here.

When we compare the political and administrative system of Vijayanagar kingdom with that under *bhutaradhane*, we could notice the existence of two parallel systems. *Bhutaradhane* was a governing political unit. According to their regional jurisdiction, *bhutas* could be divided as follows:³⁷³

- *Seeme* or *nadu bhuta*
- *Magane bhuta*
- *Grاما bhuta*
- *Uru bhuta*
- *Guttina bhuta*
- *Kutumba bhuta*

The entire *seeme* comes under the authority of *seeme bhuta*. They perform either as correspondent or as representative of the kings. In practice, *seeme bhuta* are also called as *arasu bhuta*.³⁷⁴ The *bhutas* of *magane*, *grama* and *kutumba* are subservient to *seeme bhuta*. *Magane*, *grama*, *guttu* and *kutumba* are governed by *magane bhuta*, *grama bhuta*, *guttina bhuta* and *kutumba bhuta* respectively.³⁷⁵ There are geographical variations in the authority exercised by *bhutas*. They function either as equivalent or as representative to the administrative heads of each of the units. They play a crucial role in maintaining the geographical unity among different administrative units.³⁷⁶

The administrative power flows in descending order from *seeme* to *magane*, from *manage* to *grama*, from *grama* to *guttu* house, from *guttu* house to *kutumba*. The same order is visible in the hierarchical system of *bhutas*. Like in the administrative units, the regional authority of *bhutas* also flows in descending order, starting from *seeme*. As the

king of *seeme* exercises a final word over any matter, the authority of *seeme bhuta* is final. *Bhutas* belonging to the lower rank have to abide by the words of *bhutas* in upper strata.³⁷⁷ As officials in administrative system pay attention to maintaining unity, preserving tradition and protecting religion in society, the representative *bhutas* also function in supplementary fashion to fulfill those goals.

The King of *seeme* is generally called as *innuraala arasu*, *ainura aala arasu* and *saavira aala arasu*, meaning King of two hundred soldiers, of five hundred soldiers and of thousand soldiers, respectively. The throne of the king was referred to as *saavirala patta*, *murū saavirala patta* and *aisaraala patta* depending upon the number of soldiers he maintained. The same aspect could be noticed in *bhutaradhane* as well. For example, in some places Panjurli is called as *Saarala Panjurli*, Jumadi as *Sarala Jumadi* or *Aisarala Jumadi*.

Like kings *bhutas* also held *patta* or a span of authority. *Pattada panjurli* is a *bhuta* equivalent to the King of *patta*, authority. Along with Kings, *bhutas* have also paid enough attention to oversee the preservation of political power and also material resources like property rights through hereditary system.³⁷⁸ It thus becomes imperative that justice and unity have to be in favour of the castiest and feudal social system. The principles of justice and unity propounded by the King correspond with that of *bhutas*. In such a social structure justice and unity are factors of decision-making.³⁷⁹

Nurtured by the powers of higher caste and material investment, *bhutaradhane* works towards fulfilling the aims of such centers of power. It attempts to maintain the social structure based on caste hierarchy in its traditional form itself. The *bhuta* impersonator was always expected to remain under the fear of the organizer or administrator. It was all the more in the case of impersonators wearing 'bangle' or *bale*.³⁸⁰ Once he was expelled from his work, he would not be invited anywhere else. He also doesnot enjoy the freedom of delivering soulful justice. He has to repeat the wishes of the privileged as he constantly lives under the fear of being expelled from his responsibilities. Some of the common reasons concocted to expel an impersonator are: not rigorously following the conventions of *bhuta*, consuming alcohol during the ceremony, not maintaining the ritual purification, becoming physically weak, not rendering the divine-words (*nudigattu*) effectively, etc.

Bhuta performers generally do not prefer to be offered customary bangle as it brings many restrictions along with responsibility. Living with that bangle is similar to living with a ball of fire in one's lap. There is a large trap behind this act of offering bangle. If a performer refused to wear that bangle, he was forced saying "it is not your wish, but *bhuta*'s." The one who wears bangle of one *bhuta* is not permitted to perform for any other *bhuta*, and he was also bound by geographical limits. He would not be allowed to cross those spatial boundaries, and if trespassed, had to pay a price. One ,who displayed extraordinary skills in dancing and delivering divine words were offered such bangles. It then confines him to a particular region, restricting his freedom. Wearing bangle implies submitting his independence to the deity, and therefore it is in fact a chain of slavery. For the one who offered the bangle, it is symbol of prestige, of culture and of felicity.

When viewed from the perspective of the haves or upper strata of the society, *bhutaradhane* growth as a political system is clearly evident. It maintains the rules and regulations, values of the traditional society in its original form. Therefore, being a political system, *bhutaradhane* performs the functions of a judicial system.³⁸¹ *Bhuta* operates as the spokesperson of political and administrative system. Thus, historically *bhutaradhane* resembles Tulunadu's political system during Vijayanagar kingdom.

Hierarchized, castiest and traditional feudal system of society existed in Tulunadu from medieval times until the British rule. Due to the shift in power into British hands, the administrative units of *seeme*, *magane*, *grama*, *guttu*, etc., lost their political privilege. Traditional governance lost its authority due to its internal slackness, and therefore, traditional centers of king's palace, village's *beedu* and *guttu* grew independent, both politically and economically. Although British administration brought about great change in political structure, it didn't affect the economic power gained by a social section through land ownership. Thus groups that had maintained land rights for generations like Jains of *beedu* and Bunts of *guttu* continued to organize *bhutaradhane* as a symbol of their social status. They deployed the socio-political, judicial system of *bhutaradhane* to strengthen their property rights and economic independence.

Even the modern judicial system of British allowed fostering truth through vows made in the presence of *bhuta*. There was a tendency to convert social justice into religious judiciary those days. The chiefs of *guttu*, *beedu*, *grama* *magane* and *seeme* received their political, social and religious authority through oath in front of *bhutas*, and this lent a

religious sanction to their power. During the ritual ceremonies, these *bhutas* suggested chieftains to augment their political position, and to function as the representative authorities of *bhutas*. It implied that sovereignty over land rested with *bhutas* and not administrators. Thus the social structure of *bhutaradhane* grew in prominence and strength. It is bound by the strands of belief and tradition. Systemic leaders used the same binding principles to flaunt their authoritative insolence, prestige and arrogance.

***Bhutaradhane* and Adjudication**

Bhutaradhane has played an important role as a part of the traditional judicial system in Tulunadu, and is playing even to this day. In this political judiciary administrators like king of *seeme* or chiefs of *grama*, *guttu* are at the pinnacle. Brahmins, who have assumed prestigious position due to their caste or ritualistic status tie up with such governing authorities. This results in a collaborative administration between rulers and brahmins, to which every other caste is rendered subservient. Political governance gains a religious touch due to the folk judicial elements of *bhutaradhane*.³⁸² Adjudication and unity has been upheld by *bhutaradhane* in institutionalized form. In this institutional mode of judiciary there exists both complainant and opponent sides. People from all castes participate in this religious judicial system while pronouncing judgments.

A particular region comes under the jurisdiction of the regional *bhuta* residing there. Such *bhutas* are called as *seeme bhuta* or *arasu bhuta*. There is a vast open space in *guttu* houses called *chavadi*, and the chief of that *guttu* resolves conflicts and administers justice pertaining to the region under his authority from this *chavadi*. It is believed that the *yajamana* (chief) delivers the language of *daivas*. *Yajamana* and the *chavadi daiva* pronounce punishment to the culprit. For example, *Heggade* is not a single individual in Dharmasthala temple, rather he is a representative of the Gods. He is a delegate of particular tradition, and observing *dharma* or righteousness is his preoccupation. There is no chasm between his words and deeds. Maintaining righteousness and virtue is his goal. The daunting task of preserving traditional *chaturdana*³⁸³ is on the shoulders of the *Heggade*. It has been believed here that gods and deities have adopted the *Heggade* as their representative to carry out their commands. As he follows the dictums of the gods, *Heggade* is popularly called as 'Speaking Manjunatha.'³⁸⁴

Appearing in the *chavadi* court of *bhutaradhane* as supernatural being, *Bhutas* perform the role of a jurist. The paraphernalia like weapons in hand, long head gear, unique

wardrobe, etc., accord an unworldly aura to the jurist *bhuta*. Severing from the worldly relationships, *bhutas* stand on the spiritual platform, assuming the capacity to listen to the plaintiffs and delivering justice. However we should not forget that, as said earlier, they are part of a systemic circle. It makes the ruling class and assistant brahmin groups as its party, and relegates rest of the communities as a separate other. By identifying the rest as a unitary other it creates an illusion among common people that *bhutas* donot side any party and that they uphold justice.³⁸⁵

Bhutas of *magane*, *grama* and family come under the purview of the *bhuta* of *seeme*, and they perform within a particular region. Their power is also confined to the geographical region they monitor.³⁸⁶ In the performative worship of *bhutaradhane* the smaller deities act as subsidiaries to the larger *bhutas* with a wider geographical and occult influence. *Bhutas* of family do not have the responsibility to resolve conflicts at a village level. Lesser deities with a small area of influence are bound by the dictums of the *seeme bhutas*.³⁸⁷ There are also many techniques in *bhutaradhane* that are evolved to create belief among people.³⁸⁸ Any issue that needs to be resolved should be brought to the attention of *bhuta* judiciary. Both sides of the party should be present here. They can present their arguments before the *bhuta* and can utilize anybody's service as a witness. The perpetrator also needs to pay penalty if proven wrong. During the hearing prominent leaders of that society are present. *Bhuta* collects necessary detail pertaining to the case and presents its adjudication at the end. Such elaborate rules evince a sense of faith in the folk judicial system of *bhuta* among common people.

We can identify some common law suits brought before the judicial purview of *bhutaradhane*³⁸⁹. They are, to resolve conflicts regarding the ownership of land, water and other natural resources; conflicts regarding property and belongings; to cure diseases caused by black magic, hypnotism and necromancy ,etc.; to locate their stolen goods, money, jewel, fruits and other products, domestic animals, etc and to punish the thief; to help reclaim the loan borrowed; to reestablish the traditional values that were transgressed; to locate the missing and abducted; seeking punishment for those who have caused disharmony in the traditional fabric of society according to the elders; seeking cause and remedy for personal or family members' physical and psychic illness; to ward off the evil force harming village or to eradicate a decease; to reinstate harmony and respect within family members.

The above supplications are brought before the *bhuta* judicial assembly. Elders of the village or relatives appear before the *bhuta* and sometimes a mass prayer is offered. It is believed that people change their attitude into better by the judicial presence of *bhuta* and the fear surrounding it. There is a saying in *bhuta*'s justice system that 'blessing precedes miracle.' No one dares to defy *bhuta*'s words. *Bhutas* are believed to be *satya* or 'truth' by the people in Tulunadu. Truth is self-evident in the court of justice.³⁹⁰ *Daiva* or deity's divine sayings like, "*I will put justice and dharma into the vessel of precious stones so that they shine brighter. I will eradicate injustice, untruth and evil with by breast feeding poisonous milk,*" "*I will always give space for justice in my heart. I will provide abode for justice, and injustice will be destroyed with my arrow. I will chase it by wielding my sword, I am like the fence to protect justice*" etc, assure benediction and protection to the participating people.³⁹¹

Further, a *bhuta* can interrogate people abstaining from service and offerings during the annual ritual. This happens in the courtyard of *bhuta*, under or in front of the *kodi* tree, in the presence of a vast gathering. *Bhuta* questions those who have missed offering and who have not rendered their service. *Bhutas*'s service should be prioritized over other tasks, and no one, nothing should hamper this service. The system considers such a hampering person as criminal and such cases are brought before the *bhuta*. For example, if anyone introduces a new practice as a replacement of old one in the customary worship system of *bhutas*, the concerned *bhuta* says this, "*do not erase with your feet something that is written on the sand.*" If a person who has been offering service to *bhuta* hereditarily passes the task to someone else, *bhuta* says thus, "*do not dig a new one, and do not cross over the old one.*" It implies that the concerned person should himself continue with his service to the deity. One who avoids any kind of responsibility is reprimanded in these words, "*aren't you the one who sit in the pit to avoid a beating?*"

People from lower strata of society not only perform during *bhutaradhane* and organize the rituals but they also carry out the system of adjudication as its inherent force. In the over-all context of ritual worship, people from different castes like *nalike*, *parava*, *pambada* etc., are also bestowed with a special respect. The words uttered by them while embodying the divine powers are infused with authority and unquestionably received by surrounding people. However, we also should note that words and deeds of *bhuta* mediators are regulated by many restrictions.³⁹² While addressing the assemblage gathered and distributing holy victuals, he follows a caste hierarchy. Same technique is

also maintained while adjudicating, thus creating a sense that some deception is involved here. It appears like in the changing socio-political scenario the *bhuta* mediators also have become puppets in the hands of the influential section of society.³⁹³ Nevertheless, a mediator embodying deity is required to possess certain attributes like common sense, psychic balance, adjustment, intelligent verbal skills, decision-making capacity, controlling the gathering, presence of mind etc. while resolving conflicts, he has to exert the freedom to rectify any systemic lapse and to create consensus among elders of the village.³⁹⁴

While delivering justice *bhuta* considers the different customs, beliefs and traditions of different communities present. Likewise, while upholding the distinctiveness of different regions, when there is a necessity to impose a penalty *bhuta* makes allusion to the laws of Manu Dharmasasthra. Any order in the folk judiciary of *bhuta* is presented in similar manner.³⁹⁵ Everything related to conflict resolution like hearing the complainant and opponent, adjudicating justice, etc are orally conducted. In some places like Kanathur, written petition and verdict is also maintained. While doing so both the parties should be present and will be heard by the officiating *bhuta*.³⁹⁶ Elders of the village, chieftains, priests and other prominent people of the village also participate in the enquiry. After listening to all their arguments, *bhuta* arrives at a conclusion and delivers its decree. Final decision always rests with the presiding *bhuta*. Nevertheless, in some cases it becomes imperative to take the case to an astrologer. While enquiring the case, *bhuta* also resorts to the technique of luck sometime. This is done by spreading and counting the areca flower, deciding based on the direction of the flipped beetle leave, breaking open a coconut, etc. The rationality of justice decreed is confirmed through such techniques.³⁹⁷

A situation sometime arises where the *bhuta* has to take decision independently when the issue becomes intensely complicated for the village elders to resolve. There are also instances when the *bhuta* defers any adjudication saying 'this is not the time to resolve' when the case is beyond its control.³⁹⁸ Major issues resolved at the *bhuta* court are related to land, familial conflicts, authority, questions of honour, humiliation, misdeeds, theft, robbery of loan or mortgaged money and jewel, breaking a promise, etc.³⁹⁹ When the complaint is one-sided, *bhuta* listens to the complainant and when accepted by all present invites the opponent to investigate intensely. In case of theft and other when the perpetrator is not found, *bhuta* also enquires about what would be given in return if the

culprit is identified.⁴⁰⁰ Some people also offer certain material in advance as against the assurance to find the culprit. There are instances when the entire retrieved good is offered to the *bhuta*. In such cases a *bhuta* has to assume multiple roles of investigator, detective, jurist and penalizing person. If a thief is found and if his guilt is proven before the *bhuta* he was penalized to pay more than the incurred loss. If he accepted his guilt and begged for forgiveness, the amount of punishment was decreased to a small extent.⁴⁰¹

If there is a complaint brought to the notice of *bhuta* against somebody in the village, from the suspicious person's house food, water or anything would be avoided and people also refrain from attending any event in that house. And there is a belief that such a practice increases the possibility of a more judicious decision.⁴⁰² Conflicts regarding land also will be effectively resolved thus. If a person trespasses and cultivates in a land, the real owner brings it to the court of *bhuta*. *Bhuta* offers *prasada* (divine blessing in material form) and orders it to be sprinkled in the contentious land for twelve days. Anything harvested in the land or a drop of water also should be avoided. Eventually when normalcy is reinstated in the region, *bhuta* functions in a subtle manner following the proverb of 'neither the snake should die, nor the stick should break.' It sees that no party should be affected by its decree.⁴⁰³

In many instances of adjudication, the mediating *bhuta* has to function in a very careful manner. He collects sufficient information about the case. If there is dearth of evidence to resolve the case, the *bhuta* might also defer the day of adjudication. If he foresees a danger in decreeing justice, the *bhuta* seeks the opinion of chief priest and village headmen.⁴⁰⁴ If both the parties are in a state of receiving verdict only he expresses his decision. If there is a dire enmity between the two parties he conducts investigation only to a certain point, and then leaves it to the discretion of the village elders. It is the society itself that creates a place for the *bhuta* mediator to conduct the role of chief justice in the judicial system of *bhutaradhane*. No one possesses the authority to overrule, altar or question the decree given by the *bhuta* mediator. The very system of *bhutaradhane* protects the adjudicating rights of the *bhuta* mediator.⁴⁰⁵

Bhuta never validates a case of conflict between an individual and section/s of the family. It never allows for a situation mounting to the disintegration of a family. While resolving such cases *bhuta* ensures that a token money is paid as penalty, and that

younger people bow before the elders in a compromising gesture. It dictates people to live in harmony, and as a symbolic reconciliation distributes food and makes them share meal, milk and water together. Through such gestures it ensures reunion of the family members.⁴⁰⁶ In Kanatturu daivasthanam of Kasaragodu district such acts of reconciliation in family is commonly found.

When there is a conflict between husband and wife, *bhuta* resolves such problems and orders them to exchange areca flower. Their feet are dipped in holy water, and *bhuta* suggests them to live in harmony.⁴⁰⁷ Thereby a relationship which is on the verge of breaking is set right in the presence of *bhuta*. Finally they are made to share a tender coconut, indicating a life together in the future. *Bhuta* dictates them lead life as compatible as milk and water. Thereby, *bhuta* sends across a message that it is better to seal the case of emotional disharmony in favour of a familial compromise.

It is not a common practice that a problem brought before a particular *bhuta* will be placed before another one. There is no revision and re-investigation. People are bound by the decree of the *bhuta*. If the offender absents himself, his family members, relatives or concerned should offer error-penalty (*tappu kanike*). Even if the culprit dies, his wrong deeds (*karma phala*) do not wash away. His progeny is expected to bear the brunt and redeem accordingly. If they forget to offer due penalty, the astrologer reminds them of such obligations.⁴⁰⁸ Some cases are brought forth and resolved by the *bhuta* itself during routine offerings. And, in some other instances people gathered beseech for its guidance. While viewed from anthropological and psychiatric lens, the procedure of adjudication followed by the *bhuta* indeed is very unique. In recent times when there is apathy towards law and punishment, the judicial system of *bhuta* is still functioning effectively. Fear in the words of *bhuta*, and protecting social morality have remained an integral folk belief among the people in rural areas.

Another significant component in judiciary of *bhutaradhane* is to listen to the personal problems of people and to provide solutions. People beseech the deity to solve their day-to-day crisis and present offerings. They stand before the deity in complete faith and pray for their well-being. After solving the familial issues, the village *bhuta* turns its attention towards the villagers and assures divine protection and blessing. There is no mention of fixed fees for such a collective benediction. People offer as per their capacity and faith. *Bhuta* instructs and blesses people to live in peace and healthy.

A congenial ambience for the *bhuta* possessor to carry out his duties as a chief justice is created by that particular society itself. When the *bhuta* performer sheds his divine appearance he is not supposed to wear leather slippers or any clothes. The institutional set up of *bhutaradhane* protects the *bhuta* performers. He is not allowed to remove the bangle offered. He cannot carry cow dung manure on his head and cannot be suffering from any physical or psychic illness. Through such rigorous corporeal practices, it is believed that the *bhuta* mediator can embody a supernatural force.

However, there is another face to this reality of *bhutaradhane* as well. While the society expects them to embody a divine power, we also have to be sensitive to the tragedies that befall their personal lives. Wearing the divine bangle implies that he has submitted himself completely to the deity. It is not just a bangle in his hand, but a shackle for his life as well.⁴⁰⁹ In the divine realm if it appears as a symbol of respect, in his personal life it is a constricting chain. His family's days of impurity (*sootaka, ame*) do not apply to him. If there is a death in the family he is expected to stay away from the deceased. He should set up a temporary camp outside for forty days, cook for himself and lead a lonely life. Even if the deceased member is his mother, father, wife or children, he cannot touch them or lend his shoulders during final journey. He should shun his familial relations and live a forlorn life.

In recent years after the implementation of land reform acts many disputes related to land have been resolved by the local *bhutas*. In such cases *bhuta* performers' influence has been more against the land-owning people. But in general *bhuta* performers have been a puppet in the hands of land lords. One such episode has been mentioned by Veerappa Moily in his novel *Tembare*.⁴¹⁰ It pictures the way a Hotel industrialist in Bombay called Cheluvayya Shetty uses the Panjurli *bhuta* performer Aita Pambada in order to confiscate ten acres of land of a tiller. He pays five lakhs to the land owner Venkappa Shetty and takes control over the ten acres land tilled by Buda Mulya. Buda is evicted from his land with the help of modern legislature available. No court, police to lawyer arrives to the help of Buda Mulya. As he also didnot have gods in his favour, he was literally helpless. In this situation a lawyer called Tomu comes to his rescue, gets Buda released and files a case in the Land Tribunal. Despite being harassed by Cheluvayya Shetty's people, no legal assistance is offered to Tomu.

At this point Cheluvayya Shetty decided to make use of his *daiva* panjurli to subdue Buda Mulya. Aita Pambada was invited to perform for Panjurli. Cheluvayya goes to Aita Pambada's house the previous night of the ritual along with a close associate Vishnu Tantri and suggests Aita to help him acquire the land. However, guided by conscience, Aita refuses to take the bribe and sends them off saying, "Panjurli will prevail."

Resolving this case becomes a challenging task for Aita. In one side was Cheluvayya Shetty with his financial power, on the side was Buda Mulya in his helplessness. In the ritual arena, Aita Pambada in the form of Panjurli *bhuta* takes the side of Buda Mulya. He offers Cheluvayya Shetty victual blessing saying, "Invoke me with the cleanliness of heart. Do not indulge in unlawful acts, forgetting the greatness of truth. Do not deviate from the path of righteousness, receive this blessing." He also assures Buda Mulya justice in the legal proceeding. Cheluvayya Shetty's ceremonial pretense was rendering ineffective here.

Eventually, with the power of money Cheluvayya Shetty destroys both Buda Mulya and Aita Pambada's family. The truthful and reassuring words of Aita, unfortunately leads him to death. This instance highlights that the *bhuta* performers of all time have remained puppets in the hands of land owners. It further displays Aita Pambada's sense of justice and disagreement with the feudal lord. His life also ends on a tragic note. The entire history of humankind is written either with nails dipped in blood or cruel teeth of nature. Only those capable of living survive here, and it does not apply only to physical prowess. It applies to mental faculties as well. Thousands of times and thousands of years, priestly class has ridden on the psyche of *shudra* groups. Muhammad Gazni might have brutally plundered India seventeen times, but dalit and *shudras* have been exploited for thousands of years here. *Bhutaradhane* is merely a part of that system as enumerated above.

But the argument that *bhutaradhane* caters only to the needs of the wealthy is thwarted not only by Aita Pambada, but also his father Monta Pambada.⁴¹¹ Enacting as Kodamanittaya *daiva*, Monta Pambada deflated Deju Alva's schemes to take control of his father-in-law Birmannalva's Padiyuru *guttu* after his demise. Birmannalva's nephew Surannalva was the legitimate heir as per the nephew inheritance system (*aliya santana kattale*). However, cunning Deju Alva attempted to persuade Monta Pamada to recognize him as the heir during ritual by taking beetle leaves from his hand before tying the

anklets (*gaggara*). Refusing to betray deity Kodamanittaya, he declined Deju's schemes, and instead received that honour from Surannalva. As a consequence, Deju Alva cut both his hands off. This instance also shows how *bhuta* performers refused to budge to the demands of the landlords and stood by the principles of truth and justice.

***Bhutaradhane* as Shamanic healing and medicinal practice**

A *bhuta* performer utilizes the intermediary ambience created during the ritual to function as folk physician. Supernatural contexts are created to ward off the evil spirits during ritual. Representative of the divine *bhuta*, the *bhuta* performer uses theatrical tools like colour, elaborate attire, symbolic language, etc to elevate the ambience into non-humanly. Distinctive masks, ornamentation, huge headgear, sharp weapons, loud background music, offering served on the wooden stool, symbol of *swastika* and *balimudra*, etc convinces the gathered people that the divine *bhuta* possesses the power to ward off any evil spirit.⁴¹² Chinnappa Gowda provides some instances of controlling the malevolent spirits in his book *Bhutaradhane: Janapadiya Adhyayana*.⁴¹³ During the worship of Ali *bhuta*, rites of chasing the evil spirits are conducted. Common people believe that if a person dies accidentally in the jurisdiction of Ali *bhuta*, the reason behind is Ali *bhuta*. To free the soul becomes a fearful necessity, and thus rituals are arranged. They receive their ancestor's spirit from Ali *bhuta* and submerge it in the water. They cook from the rice given by Ali *bhuta*, serve it on sixteen leaves, and unite the spirit into their ancestral group.

During *Kaliyata* of Vishnumurti *bhuta* in Kudekallu of Sullia taluk another technique of warding the evil spirits off could be seen. Folks believe that a malevolent spirit hides within and causes physical as well as mental sickness. They also believe that *bhuta* possesses the power to get rid of such evil forces. At the end of *Kaliyatautsava* of Vishnumurti *bhuta*, the rite of driving the spirits away is conducted. The *bhuta* performers gather all detail about the ailing person – his family, occupation, financial status, familial relations, etc. If instances of ancestral curse or vow is involved, the *bhuta* performer decides that the case is complicated, and thus discusses it with village headmen and family elders. The afflicted individual will be bathed, clad in pure clothes and brought before the *bhuta*. Family members stand beside him or her. The *bhuta* performs wields unique weapons, gazes at the mask inside shrine, circumambulates the shrine and invites the chiefs (*gurikara*) present. He seeks their permission to drive the

spirit away, sprinkles orange on the possessed head and touches the body with his hand accessory. The ambience is spiced up by the loud background music. *Bhuta* performer asks the possessed to stare at his eyes which results in the ailing person to enter into a trance state. *Bhuta* tries to unearth secrets within the possessed and makes him 'speak.' Rice grains are thrown on his face, and sometime areca petal is dipped in boiling oil and sprinkled on the possessed. Scared by these ways, he opens his mouth and thus the evil spirit comes under the control of the officiating *bhuta*. At the outset, these practices contain the aspiration of a psychic treatment.⁴¹⁴

Bhuta gives the ailing person tender coconut to drink, and victual with medicinal quality. *Bhuta* performer takes the help of medicine man to cure the physical and mental illness of the possessed. He tries to read the thoughts of the sick person, creates fear within him, rises his emotions, makes him speak and finally creates an illusion that the ailing person is cured of his disease, and thus make him regain confidence. Hence, the *bhuta* performer utilizes the supernatural realm evoked around, and appears as a folk medicinal man. Such practices of warding the evil spirits off are followed in Kasaragodu's Kanatturu daivasthanam. The Kodialguttu chief Devu Shetty was highly venerated person and people used to vow his name also.

Avowing in the name of *Bhuta* (*kodi kattunu*)

Avowing in the name of their local *bhutas* is also a component of people's belief in the supernatural. When there is a case of theft people vow to the deity. In Karnage and Korati *paddana* people avow in the name of *bhuta* before vegetable plants and trees.⁴¹⁵ They believe that such a practice would keep the thieves away from their garden. Areca and coconut trees are also insured with the vow for protecting *bhuta*. Products in the tree will be guarded by the avowed *bhuta*. If someone steals from that garden he would have to face either physical or mental illness. Thus people protect their cultivation and property by swearing before deities like Kallurti, Panjurli, Jumadi, Maleraya, Lekkesiri, Mujulnaaya, and so on. Also, they approach these deities to escape from diseases and ill fate. Once they offer token to the deity and pray with joined hands, the deity blesses them with *prasada*. When *bhuta* adjudicates it is mandatory that both thief and the garden owner are present. Those who benefit from the assistance of *bhuta* are expected to pay a portion of their income to *bhuta*'s treasury. Avowing in the name of *bhuta* or *kodi kattunu* is a custom followed to protect one's property and belongings with the help

of *bhuta*. They identify the supernatural *bhuta* as a stake-holder in the plantation, thereby trying to protect it from any other-worldly force. People have also maintained the same relationship with Mukhyaprana deity in the dining hall or Anna chatra of Udupi Krishna Math. When they yield good profit in any business, they mentally make the deity a partner and offer him a share in the profit.

Swearing in the name of *Bhuta*

Swearing or verifying in the name of *bhuta* has been a very important practice in *bhutaradhane*. When conflict arises between two individuals or two families, both parties swear by the deity's name to justify their arguments. Avowing (*pramana*) actually refers to justifying one's truthfulness and honesty by making the deity as a witness. As discussed in chapter five, *divya* or *dibhya* and *mundige* mentioned in inscriptions and ancient Kannada literature is similar to the *pramana* before super human power. If *mundige* indicates challenge, *divya* is a way of resolving conflicts.⁴¹⁶ Such practices also in practice in *bhuta* worship. When a person is accused of something he should swear in the name of *bhuta* to reject the allegations. The intent here is to prove that the accused is not guilty in the presence of the public gathered around. This practice is more prevalent in cases related to theft or robbery. Once the parties swear in the name of deity, there is no scope left for any compromise between them. It is believed that if they further unite, it leads to adverse effects, and such people will have to confess and redeem before the *bhuta*. Suspected individual should place his or her hand on the steps of *bhuta* shrine or on the wooden stool or ground in the front while stating, "I have not committed any sin of theft or prostitution or unwarranted act. The allegations against me are based on malicious intent. To my words only *bhuta* is the witness, and I avow in his name." Four *daivas* at Kanatturu in Kasaragodu of Kerala are very popular for such swearing practices. Generally people are scared to utter the name of Kanatturu. Thus, swearing in the name of *bhutas* has been a significant part under the judicial system of *bhutaradhane*.

In modern court rooms there is a system where both parties of the case and their witness swear before the judge as "I will only utter truth." This is similar to the avow people take in the presence of *bhuta*. Upholding the social relevance of both judge and *bhuta*'s adjudication is the purpose behind this practice. As the *chavadi* or courtyard of *guttu* houses is a place of truthfulness, this avowing in the name of deity is psychologically

very effective. Lying with one's hand on the 'swearing stone' is equivalent to bypassing the words of *chavadi* deity. Such swearing stone is still available in the *guttu* house of Kanajaru. All the future consequences of prevarication are initiated at this stage. There was a practice of touching the steps of Nandalike palace to swear one's deeds and there were also instances of bypassing the deity's dictums. In such cases they were punished by *nittu*. *Nittu* or *kattu nittu* meant that punished people were made to pay sin taxes or *tappu kanike* for fire or water or food, or anything by family members and other villagers. This was collected through the *gurikara* or chief of the *guttu*.⁴¹⁷

There are examples when the British judiciary has recognized *bhuta* verdicts. A circular issued to the management of Adka Bhagavati *bhutasthana* near Someshwara of Ullala in Mangalore taluk by the British Government is one such example. The circular mentions that if on a Tuesday afternoon the opponent is willing to swear by the words of local *bhuta*, the applicant has agreed to accept his words. The British Government has recognized it as a prayer offered in order to uphold truth.⁴¹⁸

Supernatural forces or deified ancestors exert their influence not on the conscious minds. It is a moment when the subconscious rises to the fore that it emerges on the human psyche, unconscious of the immediate surroundings. As explained in *Siri paddana*, Berma Alva was a man with tremendous faith in *dharma* and *daiva*. The oral singers never skip portions of Berma Alva and his tribulations. He forgets fellow feeling and ignores the ancestral shrine (*alade*) of Bermer at Lanke Lokanadu. The center of faith is ignored, and thus the routine offering due to the deity was also forsaken. As a result he had to bear the pangs of being childless. Eventually when he renovates the *alade* as per customary practices, he is bestowed with a baby girl in the form of divine blessing. Satyanapura rose to its heights again in the times of Siri.

A vow is taken at any particular shrine or temple for any reason should be fulfilled by the promised. In *Koti Chennaya paddana*, the twins visiting *alade* at Kemmalaje or Siri offering a sum of money (*pundi panavu*) to lord Bermer in *Siri sandi* are instances of fulfilling their vows. However, if they do not fulfill the vow undertaken, they will have to face the repercussions whatsoever. This message is also conveyed in the Abbaga-Daraga death episode in *Siri sandi*. They were born as a gift from God Nagabrahma. Their parents Sonne and Gurumarla hasten to decide their wedding dates. Nagabrahma appears in the form of a Brahmin and reminds Sonne-Gurumarla about the unrealized

vow. Unfortunately, they do not any heed to his words, resulting in the tragic death of their twin daughters.

A warrior called Devu Poonja gained victory with the help of Jumadi *bhuta*. But, instead of participating in the *nema* ritual offered to Jumadi, he spent time in the company of a prostitute. This resulted in Jumadi inflicting harm, finally ending in his death as well. In Balajevu Maniga *paddana* a husband had vowed to the deity to make his wife return home. However, he forgets to fulfill the vow even after she returns to him. As a result, he loses his wife. Thus, the *bhutas* not only fulfill the wishes of devotees, but also inflicts punishment if one fails to live up to his/her promissory words.⁴¹⁹

Bhuta performers function in the realm of the other-world as judges, magicians and close associates. They ward off the evil forces which cause physical and mental illness among people, thereby establishing peace in their lives. Therefore it is evident that only faith and trust enables *bhuta* to offer justice to people in the entire enterprise of *bhutaradhane*.

It is a custom that all the people who actively participate in *bhutaradhane* with stipulated responsibilities to carry out – as officiating chief and members, impersonating *darshana patri* or priests, pambada, parava, nalike members, etc., swear in the name of the *bhuta*. Such a custom augments the prestige of *bhutaradhane* which is at the same time a political, administrative unit and a social system and judicial practice.⁴²⁰ We can notice the aspiration to attach religious significance to a social justice system here. Religious observances like swearing lend an apt ambience to the truth and justice officiated and offered by the divine beings like *bhuta*. Alternatively *bhutas* are called as *satya* or truth in Tulunadu, implying they always protect truthfulness. Folk people have conceptualized and accepted *bhuta* and *satya* as indivisible⁴²¹

People have also identified the consequences of swearing by god's name (*anebhashe*) during minor conflicts between relatives or friends. Such errors of language, it is believed, will lead to psychic and physical ill-being. Once the initial wrath has cooled down, there is a practice of paying penalty. Both the parties should visit Dharmasthala, confess before the Heggade, offer prayers to the deity and hand over the penalty money set aside. This brings peace to the mind of people concerned⁴²². Although it appears as a superstition at the outset, such religious beliefs are ingrained in the psyche of Indians. We can always witness people committing sins, confessing before gods and thus remorseful for their sins. Such an emotional catharsis is carried out in Dharmasthala.⁴²³

Instances when Justice was recovered under the Judicial Sysem of *Bhutaradhane*

The following incidents mentioned below show that the *bhutas* also not ready to violate societal traditions of the land when they try to solve issues related to different communities of Tulunadu. They also respect caste based social hierarchies and feudal frame work.

There existed a conflict between Bunt and Billava communities regarding Malaraya-Dhumavati *daivas* paraphernalia of Santya *guttu* near Talapadi in Mangalore taluk. The chest of *bhuta*'s paraphernalia (*bhandara*) was in the Billava house. In earlier times people of the village joined together under the leadership of eight *guttus* and the officiating chief of Bunt *guttinar* to offer ritual (*nema*) in April and December every year. However, there arose some tension between the Bunt and Billava families, and the members of Billava house refused to hand over the chest and ornaments of gold and silver necessary to offer *nema* to the deity. Enraged by this act, during *nema* the Bunt *guttinar* (chief) utilized gold-like ornaments made out of areca petals and flowers. Eventually the conflict was taken to the court. The tension continued for many years later. Finally, all *guttu* elders of the Bunt community insisted *bhuta* to resolve the issue. Court's final verdict was also due that year. During *nema* ritual all the bunt chiefs requested the deity to grant court's verdict in their favour. As a response the *bhutas* extended sandal paste (*gandha bulya*), saying, "carry this *prasada* to the court during your next visit. We will see that the verdict is in your favour." Surprisingly, the verdict was indeed in the Bunt's favour forcing the billavas to forego their claim on the ornament chest. Economically affluent bunts eventually built separate shrines for different *daivas* and have been performing *nema* and other rituals on a grand scale every year.⁴²⁴ Though the incident seems to be coincident but it strengthened the belief of people in the miracle of the particular *bhuta*.

In a place called Madhura, a woman had stolen the golden neck chain of a child. Its owners lodged a complaint with the *bhuta*. Within a small time both the thieving woman and her son passed away. People of her house consulted an astrologer to know the cause of their death. As a solution, the astrologer suggested them to conduct a special *nema* to the deity and dedicate a copper mask (*moga*) as vow or *parake*.⁴²⁵

Amrutha Someshwar mentions few incidents in this regard⁴²⁶. Some prankish, mischievous children killed a snake and threw it in the neighbor's bathroom. It was their relatives' house as well. Looking at the dead snake in their bathroom, they were enraged, and a serious conflict arose between the two families. The case was taken to *bhutas* of Kondana. They avowed to the Kondana *bhutas* to punish the perpetrators who left snake in their house. The relationship between both families broke down, and any exchange of food or water also was stopped. As the conflict was not resolved, both the families suffered many difficulties. Finally, all the members gathered, discussed the issue of snake and arrived at an agreement. They decided to put an end to the enmity, and accordingly offered a token penalty (*danda*) to the ancestral *bhuta*. He also refers another incident of discord between husband and wife. The *bhuta* graced both of them with singara or areca flowers in their outstretched veil, asked them to exchange the flowers, and joining the palms of the two, poured the holy water. In this way the broken relationship was set right. Finally they were made to share a tender coconut as a mark of re-union. The *bhuta* also advised them to not quarrel in future but to live together with affection like milk and water.

The managing committee of a *bhuta* shrine decided to set up a new flagpole (*dhwajasthamba*) in front of the shrine. However, the tip of wood zeroed in on to carve pole had dried. While one group of people argued that pole should not be carved out of a dead tree, the other group insisted that pole should be made out of the same wood. The managing committee split into two groups due to this difference of opinion. Before getting the pole carved out of the disputed wood, both parties separately consulted the priest medium (*darshana patri*). One team argued that carving a flagpole out of dead tree is against the custom, and therefore priest as the *bhuta* delegate should reject such an initiative. The other group requested the priest to permit use of the same tree pole as only its tip had dried. Both the parties had expected the final dictum to be in their favour during *bhutaradhane*. Embodying the divine deity, the priest medium declared, "It is not agreeable to accept a pole that is carved out of a lifeless tree as it lends it impure." The group in favour of the dried tree was appalled and humiliated. As both the parties entered into verbal confrontation, the priest ordered five tender coconuts to be brought. Pouring the coconut water on the tree, *bhuta* declared, "*I have the capacity to infuse spirit into the spiritless, feel into the unfeeling and life into the lifeless.*" The strained episode was thus peacefully resolved.⁴²⁷

This is an incident during the *nema* of Mudadaye *daiva* in Pacchanadi.⁴²⁸ Mudadaye *daiva* is worshipped along with Pacchanadi's Vaidyanatheshwara. During the ritual, it is a practice that Mudadaye walks from under the *kodiadi* (a place, where the holy things of *bhuta* kept) to the *olasari* field below. The chest of *bhuta*'s paraphernalia (*bhandhara*) is maintained in a brahmin's house and the responsibility of worship practices is in the hands of moily community. This deity doesnot have any *guttu* for chief supervision. When *daiva* run down into the field, it is a custom to address the serving group of *nema* ritual. However, due to the fault of *bhuta* performer, he didnot seek permission from the moily chief, which had left him aggravated. Once returning from the *Olasari* field, *bhuta* sits for a ritual meal (*avara*). Before inquiring after the villagers' well-being, it is a practice for the *bhuta* to take some victuals. However, general custom is that the *bhuta* receives meal only after a discussion with the people gathered. In Pacchanadi, he has to take all the foremen's permission, finally from the person from moily community before consuming the food. Still infuriated by the earlier negligence, moily questioned, "were you blinded then?" Saddened *bhuta* refused to take meal and sat with its back to the *kodiadi*. Tantri, present there asked the deity if Mudadaya would not receive the victuals. He replied ironically, "*respected Brahmin or Tantridare, how could I receive the offering, I am unable to see.*" Meanwhile, astonishingly moily's tongue had stuck out of his mouth and had elongated to reach the ground. The entire gathering was dumbfounded. People supplicated the deity. Nevertheless, *bhuta* repeated the same line that he was blind. Priest or *tantri* then requested the deity to inform about the ways to redeem moily's sin. Moily's family also beseeched to the *bhuta*. Finally, it dictated that *nema* should be offered, and golden eyes should be carved for Mudadaya's vehicle, horse. Moily returned to his normal state after his family members agreed to act upon *bhuta*'s dictum. He was given sandal paste and *prasada*. Thus, even if the *bhuta* is a protector in general, it would not tolerate any outrageous behaviour.

During annual *nema* for a Rajan *daiva* in Mudabail village of Udupi taluk, a landlord of Bunt caste had promised to transfer a large part of his wife's matrilineal family property to a neighbor brahmin. As the bunt man was quite old, he was unable to cultivate in the land. During the *nema* he put forth two conditions before promising to sell his land at a very low price to the Brahmin. The two promises were: the bunt should have access to the next yield cultivated in that field, and the Brahmin should pay a part of the money as advance.⁴²⁹ However, do to some instances next year, the old man couldnot fulfill his

promise on time. Due to familial problems, the expenses of maintenance increased manifold. His daughter separated from her husband and returned to her maternal home. Another unmarried daughter suffered from sickness repeatedly. During the next *nema*, the *bhuta* sought to know if the promise has been lived upto. While the old man expressed different reasons, *bhuta* expressed its extreme dissatisfaction by speedily revolving in circle and other forceful movements. As the deal had been agreed in its presence, it opined that the deity was insulted. It also warned the old man that the deal should be fulfilled before the next annual ritual, failing which they he would have to face the wrath of *daiva*⁴³⁰.

The Brahmin however, was not satisfied with the new arrangement. He requested the *bhuta* to fulfill the contract within next three months inside which he offered to conduct *nema* in his land. *Bhuta* agreed to this proposition. Nevertheless, the contract was not sealed off before *nema* was offered by the brahmin. The old man was haunted by many difficulties like *bhuta* infliction, diseases and financial constraints, thus *daiva* expressed its wrath over not fulfilling the deal on time. Due to illness, the old man couldnot attend the *nema*. It was attended by all the other members of his family who were again scared to witness the Rajan *diava*'s wrath. Within no time, the old man's wife, his daughters jumped into the *nema* arena, screaming, running, hissing all around. Their family deities had occupied their bodies, heading-on to protect the well-being of their benefactors⁴³¹. A divine confrontation took place between the family *daivas* and Rajan *daiva* of the village. At the supernatural level the family *bhutas* confronted the village *bhutas* like family members opposing the entire villagers in worldly realm. An agreement that had taken place at the human realm now completely entered into the other-worldly. That altercation came to the point of morality and ethics. Embodying the family members, *bhutas* asked, "Aren't you the protector of village? Do you not have any responsibility? Isn't it your onus to ensure a family's peaceful existence? Isn't it your *dharma* to locate truthfulness? Aren't you the one to uphold righteousness? Isn't it your aim to punish the evil and establish order?"

All forms of argument in favour their benefactors by the family *bhutas* did not yield any result. They were not rejected due to their untrustworthiness. People could identify justice in the family's supplication as soon as their deities occupied their bodies. However, as Rajan *daiva* had supervised the agreement from a larger divine level than the family deities, the bunt family had to lose its case. Perhaps the caste order of human

world might have exerted its influence here. Rajan *daiva* had to reject the supplications of a smaller unit in favour of the larger unit of society. Conflict returned to its temporal level, ending with both the parties entering into a written agreement on the same.

Eventually the bunt family took case to court, petitioning that they were forced to transfer land. But the judiciary also upheld brahmin's claim over that land. Defeated to the bottom, the Bunt family supplicated before Rajan *daiva* during next annual *nema* about their pathetic existence. *Look here, brahmin's problems got resolved in this platform, but what about us?, We are afflicted with diseases, and do not have meals to fill our bellies. What kind of mercy will you extend to us?* Such words of courage enraged the Rajan *daiva*. It dictated that, *you go and consult a sorcerer. I cannot do anything about you.* When the *daiva* thus casted them outside its purview of benevolence, the family had to face adverse condition from all directions. The only way left was to consult sorcerer and necromancy. Because of the justice game of a Rajan *daiva*, a poor family was deprived of the moral system of a village, thereby experiencing a kind of excommunication. It got entangled in the web of unethical acts of sorcery and black magic.

The above incident proves how an innocent social group will never find solace from the illusion of justice. Both worldly and other-worldly are always in the favour of the affluent, and the deprived do not possess divine, human or legal aid of any sort. *Bhuta* performers are from the lower strata of society and the patronizers are from the other end of upper status. The patronizing power of the rich speaks through the mouth of the performer. The people of Tulunadu lay their faith in the *bhutas* much more than on the gods of brahminical order. Their fear in the *bhuta* leaves them obedient to its words, as these deities also a direct relationship with the worldly affairs. A community consent and acceptance has been built around the *bhutas*. Unfortunately, some people encash on the same fear of common folk in order to engage in day robbery. People fighting for human rights have been killed by the proponents of feudal system. However ironically here, both the assassin and the assassinated worship the spirits that fought for human rights again.

The *bhuta* performers always function under the fear of patronizers or managing group. It is all the more in the case of performers wearing designating 'bangle' as once banished they would not be invited anywhere else. The performer doesnot have the independence

to accord justice as per his conscience. In today's contexts of justice, if there is any variation, the *Bhuta*'s fervour is disrupted by the *tantris*. If the *bhuta* takes the side of common people, the *tantri* uses such techniques of disruption to twist the *bhuta*'s language into his favour. Another way of distancing people from the justice is by using codified language during investigation. If the actual uttering carries one meaning, its implied significance hints at something else. Thus, this mysterious language used to maintain secrecy is appropriately designed for the *bhuta* system.

Likewise, the influential people shove common folk into a realm of ignorance. Even if the colonial supremacy of British has evaporated, such upper strata of society has created an alternative world through *bhutas*, there by giving rise to an indigenous colonialism spreading village after village. *Bhutas* are a mere executing body here. But on the basis of the above incident we cannot generalize the judicial aspect of *bhutaradane* as pro-feudal. There is no doubt that the study of the judicial aspect of the *bhuta* world is interesting from the psychological and anthropological point of view. In these days when the fear of law and punishment is fading away the *bhutas* with their fearful statutes can maintain the social ethics and morality of the village folk.

Notes and References

1. Peter.J. Claus & Frank J. Korum., *Folkloristic and Indian Folklore*, Udupi, 1989, pp.19
2. Viveka Rai, B.A., *Tulu Janapada Sahithya*, Bangalore, 1985, pp. 27.
3. *Ibid*.
4. "Folk" here refers to an ancient social group, a community that is low in social strata and is unique in characteristics. This category is in opposition to 'city culture'.
5. Nayaka.H.M., *Janapada Swaroopa*, Mysore, 1971, pp.17.
6. Standard Dictionary of Folklore, Mythology and Legend, 1949, Vol.I, Marial Leach.
7. This term was used by late B.A. Srikantaiah and B.R. Bendre in their forward to the compilation of 'Garatiya Hadu' in 1931. References before this call these songs 'village songs'.
8. 'Folk' means, "a community", "race", "nation", "a kingdom", "an inhabited country", "Folk literature" 'concerns with' 'an inhabitant of the country', 'a rustic', 'a peasant'.

9. Nayaka.H.M., *op.cit.*, pp.18.
10. Govinda Pai., M., 'Tulunadu Purvasmrithi', in *Tenkanadu*, Udupi 1947, pp.70.
11. Saletore.B.A., *Ancient Karnataka : History of Tuluva*, Vol.I, Poona, 1936, pp.371.
12. Vadiraja, Bhat, K., *Paddanagalu*, Kinnigoli, 1974 pp.15.
13. The word '*prathane*' implies beseeching the almighty. However, in paddanas there is not much scope for imploring. The concept of '*stotra*' might be of some relevance here, otherwise the nature and purpose of '*prarthane*' doesnot lend itself as a good equivalent.
14. Keshava Bhatt.T., '*Hadina Chudamani*' (Preface), Bangalore, 1971, pp.12.
15. Vadiraja Bhat.K., *op.cit.*, pp. 20.
16. Viveka Rai,B.A., *op.cit.*, pp. 28.
17. Vadiraj Bhat., *op.cit.*, pp. 20.
18. Viveka Rai,B.A., *op.cit.*, pp. 28.
19. *Ibid.*
20. *Ibid.*
21. However, in some places in Tulunadu the word *paddana* is retained.
22. Without getting into the complex differences between 'Sandi' and 'Kabita', it is appropriate to call them as *paddana*. Some *Bhuta paddana* are sung during cultivation. For example '*Siri*' and '*Koti-Chennaya*' *paddana*. There are some other songs which activities. For example '*Manjottigona*'. However, there is not practices of singing any songs during paddy harvesting.
23. Viveka Rai, B.A., *Aanwayika Janapada*, Mangalagotri, 1985, pp.26.
24. Mohana Krishna, Rai.K, *Tulunad Siri – Baduku-Horatada Kathana*, Hampi, 2010, pp.13.
25. *Ibid.*
26. *Ibid*, pp.14.
27. *Ibid.*
28. Despite their minimal role in *bhutaradhane*, brahmins have not remained completely out of this system of worship. Brahmin surname is mentioned in Burnell's Collection of *paddana*. According to him, brahmins could contain the *bhuta* spirits through their magical powers. While offering period oblation to *bhutas* in brahmin house holds these days they tend to invite brahmins to perform some *vedic* rites. This practice hs gradually transformed *Bhutaradhane* into a *vedic act of worship*.

29. For an instance, it is not this social status that defines the identity of heroes like Arasu kumara. The bravery and dynamicity he shows at the face of difficulties in life that makes him an actual hero in the society.
30. Peter.J. Claus.,(original) *Tuluva Darshana*, translated by A.V.Navada and Subhashchandra, Kundapura, 1987, pp.161.
31. *Ibid*, pp.162.
32. Amrutha Someshwara., *Tuluva Baduku*, Kotekaru, 1984, pp.3.
33. *Ibid*, pp. 3-4.
34. Surendra Rao, B., *Bunts in History and Culture*, Udupi, 2010, pp. 116.
35. *Ibid*, pp. 116-117.
36. Navada.A.V., *Tulu Poli*, Mangalore, 2013, pp. 31.
37. *Ibid*, pp. 32.
38. *Ibid*, pp. 19.
39. According to Viveka Rai, it is possible to draw a ballad cycle by compiling the different versions of *same bhuta*, following its disseminating path. He draws the readers' attention to a folkloristic attempt to bring varied songs of heroes from to Russia, Finland and Yugoslavia together, in order to create an epic of large scale. For example, we can locate the origin and diffusion narratives of deities like *Panjurli*, *Jumadi*, *Gulia* etc., in their respective *paddanas*. It is possible to sketch a ballad cycle or folk epic by bringing these narratives together. All the versions pertaining to *pajurli's* birth and spread could be put together as *Panjurli* cycle or *Panjurli* epic.
40. Navada.A.V., *Tulu Poli*, pp. 37.
41. Viveka Rai, B.A., *Tulu Janapada Sahitya*, pp. 33
42. The alternative term of *Sandi* is most frequently used in the place of *paddana* by people from rural areas. The sub-sections woven around different individuals within a single *paddana* are generally called *Sandi*. For example Perumala Ballala *sandi*, Deye Baiyedi *Sandi*, Budyantha *Sandi*, etc., within Kotichennaya *paddana*. Like wise within *Siri paddana* different *Sandi* like *Siri Sandi*, *Sonne sandi*, *Abbaga Daraga sandi* are compiled. These individual section might eventually have contributed to terming the entire epic as *sandi*.
43. Navada.A.V., *Tulu poli*, pp. 37.
44. *Ibid*.
45. *Ibid*.
46. *Ibid*.

47. *Ibid*, pp. 156
48. *Ibid*.
49. *Ibid*.
50. Amrutha someshwara., "Paddanada Swaroopa" in *Tulu Sahithya Charitre*, Hampi, 2003, pp. 426.
51. Navada.A.V., *op.cit.*, pp. 156.
52. The Tulu *paddana* story of Koti Chennaya was converted into Kannada novel by late Panje Mangesha Rao. In 1939 KotiChennaya was rewritten as a Yakshagana, script by Pandubettu Venkata Rao. After 1950's many Tulu *paddana* entered into the theatre, and performed as Yakshagana plays. KotiChennaya, Tulunada Siri, Devu Punja, and other, stories from *Tulu Paddana* attained huge popularity on stage. KotiChennaya and Siri were later produced as films as well.
53. Chinnappa Gowda.K., *Bhutaradhane : Janapadiya Adhyayana*, Mangala Gangotri, 1990, pp. 174.
54. Viveka Rai, B.A, opined that the caste name *pampada* might have evolved from 'pan'pad' (sing songs) to 'pampada' (one who sings songs). Pampada is of high status among the *bhuta* performing castes.
55. *A Dravidian Dictionary* compiled by Burrow T. & Emeneau., and published by Oxford University in 1961 defines, 'parava' as someone from a different village or place. However, Vivek Rai opines that it is more appropriate to understand the term 'parava' as "old person" or 'ancient'. This further evidences the fact that the scheduled castes of 'parava', pambada and 'nalke' are the original inhabitants of Tulunadu.
56. 'Panaras' are *bhuta* performers from the northern region of Tulunadu.
57. 'Nalke' are *bhuta* performers from the southern side of Tulunadu, and are on similar caste lines as 'panaras'. As the word itself indicates, they are from the daneer (nalke) community. They might have been dancers by profession since ancient period.
58. The Kannada grammar prathama purusha-Avanu : Uttama purusha-Nanu; Madhyama purusha-Neenu..
59. *Tembare* is a small musical drum made out of leather.
60. There have been attempts to study the gender distinction in male and female rendering *paddanas*. Gayathri Navada, who studied *paddana* from gender perspective, claims that a comparative reading of the same *paddana* as sung by male and female singers could throw up many insights. Siri *paddana* has already been studied from this comparative frame by Gayathri Navada.

61. There seems to be no restriction singing the *bhuta* narratives outside the ritual context of *bhutaradhane*. However, they cannot be categorized as work songs either.
62. Navada.A.V., *op.cit.*, pp. 30.
63. However, we cannot generalize in such gendered terms, as during the *kola* and *nema* rituals the *bhuta* performers are compelled to cut down the length of *paddanas*. The influence of audience present is also noteworthy here.
64. Peter.J. Claus & Franks J.Korum., *op.cit.*, pp. 24.
65. Within these performative contexts we can further subdivide traditions like *parava*, *pambada* and *nalke*. A deity that is central in a village or shrine might be of subsidiary status in another *paddana* that evolves in such contexts also varies substantially.
66. Navada.A.V., *op.cit.*, pp. 33.
67. *Ibid.*
68. *Ibid*, pp. 34.
69. Abhaya Kumar., "Mugerara Aradhane" in "SIRI". *Amrutha Someshwara Abhinandana Samputa*, Kotekar, 1995 pp. 228-235.
70. *Ibid.*
71. Ashok Alva is of the opinion that the twins playing *Chenne game* (board-coins game) and the dialogue initiated by controlling *Kumara parti*, and the *paddana* tradition that of its evolved in this situation etc., only found in Urmidottu. These are not to be seen in Kavatharu, Nandalike and Hiriyaadka.
72. Viveka.Rai., *oc.cit.*, pp. 238.
73. *Ibid.*
74. Rajashree., *Tulu Janapada Kavya : The paraloka Drishit*, Mangalore university, 2008, pp. 8.
75. There exists a clear distinction between *paddana* and *kabita* in the southern part of Tulu Nadu. Women from northern side are not familiar with the word *kabita*. Although while planting the first saplings, they sing *Manjottigona*, that is also sung by the people from southern side, they do not identify it as *kabita*, but as *paddana* itself.
76. Because we cannot locate Tulu being used as a written language either texts or inscriptions until the end of the 19th century. Although social, economic and religious issues are dealt with in the inscriptions, the folk culture that is presented in the *paddanas* is not depicted in those written sources.
77. Viveka Rai. B.A., *op.cit.*, pp. 226-227

78. *Ibid.*
79. *Ibid.*
80. *Ibid.*
81. *Ibid.*
82. *Ibid.*
83. Considering a particular version of *paddana* as the authentic text only means an injustice to the many creative performers around. It is not the task of a folklorist to demarcate or alter the traditions of any community. A scholar should have the open-mindedness to accept all the variations of a particular tradition.
84. In this, regard, A.V. Navada has recorded Peter.J. Claus's opinion in his *Tulu poli* thus; "*Paddanas* get created in each performative context, and does not flow as a dreary material through the memorizing capacities of people".
85. Oral Formulative theory proposes that a poetic text gets composed during each performance. Discarding the notion of memorization, it suggests of the ways in which the oral songs of great length gets formulated by a singer. In order to understand the compositional techniques of Homer, Parry-Lord conducted extensive fieldwork in Yugoslavia, observing the patterns of folk literature. He finally arrived at a conclusion that each performer recreates a version in each of the presenting context.
86. Milman Parry was a professor in the Department of Classical Literature in Harvard University in 1935. He conducted an extensive field work in Yugoslavia in 1934, observing the oral songs, their orality, structural techniques, patterns of dissemination, etc., with this back ground, he started writing a book titled *The Singer of Tales*. However, as he passed away in the middle of this book, his student Albert Lord continued working on it, developing on his guide's previous work. He published *The Singer of Tales* in 1960. The theory that emerged out of this study later, came to be referred to as 'Parry-Lord Theory'.
87. Amrutha Someshwara., *Avilu*, Puttur, 1984, pp. 64.
88. *Paddanas* are not created at the behest of power or as agents of sovereignty. They emerge in the rural milieu, especially from the vast experience of the agricultural life of village people.
89. Viveka, Rai, B.A., *Aanwayika Janapada*, *op.cit.*, pp. 68.
90. *Ibid.*
91. *Ibid.*
92. Chinnappa Gowda, K., *Samskrithi-Siri*, Mangala Gangotri, 2003, pp. 290.

93. On many occasions, there will be a stark contrast in the way ruling authority is depicted in inscriptions as against in oral tradition. There exists no similarity between these sources.
94. Viveka, Rai, B.A., *Aanwayika Janapada*, *op.cit.*, pp. 69-81.
95. Viveka, Rai, B.A., *Tulu Janapada Sahitya*, *op.cit.*, pp. 39-50.
96. *Ibid.*
97. Viveka, Rai, B.A., *Aanwayika Janapada*, *op.cit.*, pp. 69.
98. Chinnappa Gowada, K., *Samskrithi-Siri*, *op.cit.*, pp. 289.
99. There is a possibility that during *bhutharadhane* the rebellious voices are under played by the grandeur and pompousness of the ritual arena.
100. Mohanakrishna Rai, K., *op.cit.*, pp. 14.
101. *Ibid*, pp 14-15
102. *Ibid*, pp. 15.
103. *Ibid*,
104. Viveka, Rai, B.A., *Tulu Janapada Sahithya*, *op.cit.*, pp. 172.
105. *Ibid.*
106. Because they are embedded in the mythical frame, and are therefore distanced from the realities of Tuluva life.
107. Amrutha Someshwara., *Tulu Baduku*, *op.cit.*, pp. 45.
108. Viveka, Rai, B.A., *Tulu Janapada Sahithya*, *op.cit.*, pp. 172.
109. *Ibid.*
110. Amrutha Someshwara., *op.cit.*, pp. 43.
111. Sheenappa Heggade & N.S. Kille., *Pracheena Tulunadu*, Mangalore, 1954, pp. 33.
112. *Ibid.*
113. Amrutha Someshwara., "Paddana Swaroopa", in *Tulu Sahithya Charithre*, *op.cit.*, pp. 426.
114. *Ibid.*
115. Viveka, Rai, B.A., *Tulu Janapada Sahithya*, *op.cit.*, pp. 173.
116. Amrutha Someshwara., *Tulu Baduku*, *op.cit.*, pp. 43.
117. Viveka, Rai, B.A., *Tulu Janapada Sahithya*, *op.cit.*, pp. 173.
118. *Ibid.*
119. Amrutha Someshwara., *op.cit.*, pp. 47.
120. Viveka, Rai, B.A., *op.cit.*, pp. 173.
121. Surendra Rao, B., *op.cit.*, pp. 117-118.
122. *Ibid.*

123. Ashoka Alva., "Karavaliya Bantaru-Swaroopu haagu Samskruthi" in *Nudihara*, by S.R. Arun Kumar, Kanthavara, 2014, pp. 118.
124. Viveka, Rai, B.A., *op.cit.*, pp. 173.
125. *Ibid*, pp. 174.
126. *Ibid*.
127. *Ibid*, pp. 173. The Surnames Bhandary and Rai are prevalent among Bhutns to this day.
128. Surendra Rao.B., *op.cit.*, pp. 118-119.
129. Amrutha Someshwara., *op.cit.*, pp. 47-48.
130. *Ibid*, pp. 48.
131. A line in Kotichennaya *paddana* runs thus : "Bangare Bal Sunko, Mulyere Mula Sunko, Chowtere Sarapadi Gethonduppula".
132. Viveka, Rai, B.A., *op.cit.*, pp. 175.
133. *Ibid*.
134. *Ibid*.
135. The word *biruva* refers to either a warrior or a hunter with bow. Baidya indicates medicine man, who offered herbs and other tribal medicines. *Pujari* is the one who performed priestly services during *Bhutaradhane*.
136. Dejappa Dallodi., *Billava : Samskrithika Sampada*, Mangalore, 2012, pp . 95.
137. *Billati* is a Billava women.
138. Manner.A., *Paddanolu*, Mangalore, 1886, pp. 17.
139. *Ibid*.
140. In *The Tulu-English Dictionary* compiled by A. Manner in 1886, the lexical meaning of *baidya* is a 'toddy drawer' and also as a equivalent to *Vaidya*, meaning 'the science of medicine' – *The Tulu – English dictionary* compiled by M. Mariappa Bhat and Shanker Kedilaya in 1967, and published by the Madras University, has provided the meaning of "baidye" as a member of billava community at one time, used to be the village physician.
141. Viveka, Rai, B.A., *op.cit.*, pp . 176.
142. *Ibid*.
143. Meaning of the word 'bunta' in Kannada is recorded as warrior, brave, soldier, foot soldier, dauntless, etc., It is a modified form of sanksrith word "Bhata", meaning courageous etc., Tulu word *bunta* also carries similar implications. To sum up, it means a brave individual.
144. Manner.A., *op.cit.*, pp. 17-18.

145. Viveka, Rai, B.A., *op.cit.*, pp. 177.
146. *Ibid.*
147. *Ibid.*
148. *Ibid.*
149. *Ibid.*
150. *Ibid*, pp. 178.
151. *Ibid.*
152. *Ibid.*
153. *Ibid.*
154. Amrutha Someshwara., *Tulu Paddanada Kathegalu*, Kotekar, 1962.pp. 49.
155. Amrutha Someshwara., "Paddanagallalli Tulu Samaja" in *Tulu Sahithya Charithre*, *op.cit.*, pp. 426-431.
156. Viveka, Rai, B.A., *op.cit.*, pp. 181.
157. *Ibid.*
158. *Ibid.*
159. *Ibid.*
160. Bobbarya wears a long silver hat. It has a golden crown. A bell in the left hand and hammer in the right, silver girdle around the waist and clad with rode until the ankle only. Ali *bhuta* is bedecked with a silk lungi and a golden long hat during the *Bhuta Kola*.
161. *Tadame* is the Tulu word for a barricade, which is, installed to avoid the free zovement of cattles.
162. Amrutha Someshwara., *op.cit.*, pp. 427.
163. Amrutha Someshwara., *Tulu Baduku*, *op.cit.*, pp. 46.
164. Their intelligence, complexion, the vedic culture and literature they brought along, etc. might have contributed to their elated status in society.
165. Amrutha Someshwara., *op.cit.*, pp. 44-45.
166. *Ibid*, pp. 51.
167. *Ibid.*
168. *Ibid*, pp. 49.
169. *Ibid.*
170. There is a reference to the fact that Kotichennaya cultivated the *Kambala* fields. There is also a mention about preparation of the field for seeding in the fields. The celedrations of brining the seed palanquin is described in the *paddana* in the context of Budhyantha, who brought the seeds in all splendor, to the fields.

171. Even in Posa Maharaya *paddana* there is a mention of ritual seeding (Kambala Kori) of the Kambala fields.
172. In the Pili Chamundi *Paddana* a cultivator called Manju Punja a tilled the field Thumbijal and grew one crop.
173. In Siri *paddana*, Bermu Alva is seen as a big cultivator. But issueless as he was, it is said that he said regretingly the cultivation which produces a thousand Mudis of rice [a mudi is equal to thirty eight Kilograms approximately] which began with him has also come to end with him.
174. In Amasaranda Mannodi *paddana*, Amasaranda Mannodi can be seen as a *paddy* cultivator. The reference goes like these in translation, “Mannodi has fertile fields all over the *bettu* land [bettu is equal to upper land], he also had fields all over the bailu [bailu means lower wet land] with his spade on his shoulders, Mannodi fed waters properly to all his fields.
175. In Malara Panjurli *Paddana* even though there is no direct reference to cultivation, the names of months which refer to cultivation in Tulu like Mayi, Suggi are mentioned.
176. There are descriptions of vegetables of Tulunadu in Karange *paddana*. The popular vegetable of Tulunadu like *long beans, Brinjal, Snake gourd, ladies finger, cucumber etc.*
177. In Balindra *paddana*, which has puranic matter, describes king bali as “*Baliendra, the son of Earth*”.
178. Sundara Kenaje., *Bathada Loka*, Mysore, 2000, pp. 40.
179. Manner.A., *op.cit.*, pp. 18.
180. Damodar Kalmad.y, *Koti-Chennaya Paddana Samputa*, Bangalore, 2002, pp. 140.
181. Rajashree., *op.cit.*, pp. 225.
182. *Ibid.*
183. Vivek, Rai, B.A., *op.cit.*, pp. 185.
184. Amrutha Someshwara., *op.cit.*, pp. 51-52.
185. *Ibid.*, pp. 52.
186. Amrutha Someshwara., “Paddanagalalli Tulu Samaja” , *op.cit.*, pp. 425-431.
187. Viveka, Rai, B.A.,. *op.cit.*, pp. 187.
188. Navada.A.V., *Gidigere Ramakka Muggerthi Kattida Siri Paddana*, Hamipi, 1991, pp. 74.
189. Navada.A.V., *op.cit.*, pp. 310.
190. Amrutha Someshwara, “*Paddanagalalli Tulu Samaja* , *op.cit.*, pp. 425-431.

191. Sheenappa Hegde., N.S. Kille, *op.cit.*, pp. 51.
192. Surendra Rao., B. *op.cit.*, pp. 117-118.
193. *Ibid.*
194. *Ibid.*
195. Mohana Krishna Rai, K.,. *op.cit.*, pp. 3.
196. Surendra Rao, B., *op.cit.*, pp. 117.
197. The text of Siri is widely used in the discussion of feminism, however, there is a need to analyse the text from other perspective. The text has raised some important questions on the land relationships, marriage, kinship pattern, feudalism State politics in the Tulunadu.
198. Mohanakrishna Rai, K.,*op.cit.*,pp.27. In our perspective the principles on which the folk is comprehended in important. That is our perspective should clearly be historical perspective in this regard. The researchers analyse their subject in accordance with the methodology and the theory. Researchers here should not have prejudices.
199. Bermu Alva who was depressed for being issueless, is blessed by *Naga Bermer* and *Siri* is born as a miraculous child in Sathyanapura. She grows into a beautiful girl and marries Kanthu Poonja. But as she cannot tolerate his companionship with the harlet Siddhu, she leaves her husband and returns to Sathyanapura.
200. "Patheri Koota" is the village council in the rural administrative system. In this council all the heads of the caste, who had the right of *Ajalu* represented each of their caste.
201. Mohanakrishna, Rai, K.,. *op.cit.*, pp. 26-27.
202. *Ibid.*
203. Gayathri Navada., *Virachane*, Koteshwara, 1997, pp. 97.
204. *Ibid.*
205. *Ibid.*
206. *Ibid.*
207. *Ibid.*
208. The women, who get the choice and honour and the privileges as the agency of *Siri* is in fact in the real world works as a ground to reestablish the strength, women has lost in the social life. In the practical life a woman is oppressed and is rendered dump to her anxieties desires and feelings. But when she acts an impersonator is *Siri*, she shares her sufferings and anxieties with the *Siri* family. Therefore, she acquires comfort, faith and support.

209. Gayathri Navada., *Karavali Japanapa Sahithyadalli strivadi Nelegalu*, Udupi, 1999, pp. 145.
210. Mohanakrishna RaiK., *op.cit.*, pp. 26.
211. *Ibid.*
212. *Ibid.*, pp. 27.
213. Peter.J. Claus., *op.cit.*, pp. 26.
214. *Ibid.*
215. Surendra Rao, B., *op.cit.*, pp. 120.
216. *Ibid.*
217. *Ibid.*
218. Amrutha Someshwara., “Siri Kathanakadalli Strithvada Adarshavideye” in *Siri Janapada Kavya-Samskrithika Mukhamukhi* by Ventatesh Indwadi, Hampi, 2010. pp.62.
219. *Ibid.* pp. 61
220. *Ibid.* pp. 60.
221. *Ibid.* pp. 63.
222. *Ibid.*
223. *Ibid.* pp. 61.
224. *Ibid.* pp. 60.
225. *Ibid.* pp. 62.
226. *Ibid.* pp. 63.
227. Surendra Rao, B., *op.cit.*, pp. 120-121.
228. *Ibid.* pp. 120.
229. *Ibid.* pp. 121.
230. A process of involved distancing takes place in any analysis of a problem. But when the epic is appropriated by a community to like it with its honour and identity, an analytical review of it tends to become an inconvenience or irritation. It may result in the reduction of the epic into a domesticated myth that is harnessed to one’s wish fulfillment.
231. Sabiha Bhumi Gowda., “Siri Maha Kavya – ‘Stri Sangarshada Nelegalu” in *Siri Janapada Kavya*, *op.cit.*, pp. 117.
232. *Ibid.*
233. *Ibid.* pp. 120.
234. *Ibid.*

235. In the sociological study of feminism we can find three theoretical perspectives. First, liberal feminism, second radical feminism and third one is feminist socialism.
236. Gayathri Navada., *op.cit.*, pp. 90-98.
237. Rajashree., *op.cit.*, pp. 279.
238. Vamana Nandavara, *Koti Chennaya Janapadeeya Adhyayana*, Mangalore, 2001, pp. 76.
239. Dejappa Dallodi., *op.cit.*, pp. 279.
240. Manner.A., *op.cit.*, pp. 54.
241. Folk tales reveal the unreal world along with the real world. There are miracles and magical happenings. The folk tales combine human, inhuman and supra human acts. The folk tales celebrate the supra human elements reflect the inhuman as the horrible and disasters from this perspective. The birth of *Deyi daidyedi* gains significance in the context of the things before the birth of Koti-chennaya.
242. Vamana Nandavara., *op.cit.*, pp. 76.
243. Burnel. A.C., "The Devil worship of the Tuluvas" in *the Indian antiquary*, vol. XXIII, 1894.
244. Vamana Nandavara., *op.cit.*, pp. 77.
245. The king suffering the death sends the royal palanquin to *Deyi*. He breaks the tradition with a desire to save life. But *Deyi* does not use the palanquin. If she could have used the palanquin challenged caste system or she could have taken advantage of king weakness. But *Deyi* rejected the palanquin and shows her discretion.
246. Dejappa Dallodi., *op.cit.*, pp.130
247. Vamana Nandavara., *op.cit.*, pp. 78.
248. *Ibid.*
249. Damodara Kalmady., *op.cit.*, pp. 148.
250. Dejappa Dallodi., *op.cit.*, pp. 137.
251. *Ibid.*
252. *Ibid.*
253. *Ibid.*
254. *Ibid.*
255. *Ibid.*
256. Surendra, Rao, B., *op.cit.*, pp. 120-121.
257. Viveka Rai, B.A., *Aaanwayika Janapada*, *op.cit.*, pp. 74.
258. Chinnappa Gowda., *op.cit.*, pp. 74.

259. *Ibid.* pp. 76.
260. Ramesh.K.V, M.J. Sharma., *Tulu Nadina Shasanagalu*, Shasana No. 66, Veera Pandya's Karkala Shasana, Udupi 1978.
261. Viveka Rai, B.A., *op.cit.*, pp. 63.
262. *Ibid.* pp. 75.
263. Chandrashekharan.S,(Eds)., "*Chandrama kavi Virachitha Karakalada Gomateshwara Charitre*" by Chandrama Kavi, Oriental Library, Madras, 1953. pp.54. reprint, edited by S.D.Shetty, Sri Dharmasthala Publications, Ujire,2007, pp. 33
264. Chandrashekharan.S,(Eds)., pp.54,57 ., S.D.Shetty,(eds), pp.33,37.
265. Chinnappa Gowda.,*Samskrithi siri*., *op.cit.*, pp. 296.
266. Kushalappa gowda, Chinnapa Gowda., *Dakshnina Kannada Jilleya Kaifiyathugalu*, 1983, pp. 111.
267. Viveka Rai, B.A., *op.cit.*, pp. 78.
268. *Ibid.*
269. *Ibid.*
270. *Ibid.*
271. The cultural heroes found in the Tulu *paddana* donot find solace in this material world. They are secure in the "*Maya*" or non-physical world.*Daivas* assure the communities that they staying in the non-physical world protect their worshippers in the physical world.
272. Gayathri Navada., *op.cit.*, pp. 115.
273. *Ibid.*
274. *Ibid.*
275. Laxman Telagavi (Eds)., *Somshodhana*, Bangalore 1991, pp. 262.
276. Jayaraj.N., *State and Society in Pre-Colonial South Canara*, Unpublished Ph.D Thesi ,MangaloreUniversity, 2012.
277. *Ibid.*
278. Laxman Telagavi (Eds)., *op.cit.*, pp. 259.
279. *Ibid.*
280. Gayathri Navada., *Virachane*, *op.cit.*, pp. 259.
281. Laxman Telagavi (Eds)., *op.cit.*, pp. 78-81.
282. *Ibid*, pp. 258-259.
283. Gayathri Navada., "*Karavali Sahithyadalli Strivadi Nelegalu*", *op.cit.*, pp. 117.
284. *Ibid.*

285. *Ibid.*, pp. 188.
286. *Ibid.*, pp. 119.
287. *Ibid.*
288. Viveka, Rai, B.A., *Tulu Janapada Sahithya*, *op.cit.*, pp. 159.
289. Vadiraja Bhat.K., *op.cit.*, pp. 60-61.
290. iveka Rai, B.A., *op.cit.*, pp. 159.
291. Jayaraj.N., *op.cit.*, pp. 154.
292. Viveka, Rai, B.A., *op.cit.*, pp. 159-163.
293. Vadiraja Bhat.K., *op.cit.*, pp. 44-51.
294. *Ibid.*
295. Rajashree., *op.cit.*, pp. 261.
296. *Ibid.* pp. 125-126.
297. *Ibid.*
298. Gayathri Navada., *Virachane*, *op.cit.*, pp. 82-83.
299. Nagasiri tries to escape from Siri Krishna, transforming herself different forms like the mouse, the bee, the month, and the flee. Sirikrishna counters these forms by transforming himself as a cat, a lizard and widow milking cows.
300. Gayathri Navada., *op.cit.*, pp. 82-83.
301. *Ibid.*
302. *Ibid.*
303. *Ibid.*
304. Amrutha Someshwara., *Tulu Paddana Samputa*, Hampi, 1997, pp. 117.
305. Vadiraja Bhat.K., *op.cit.*, pp. 117.
306. *Ibid.* pp.41.
307. Amrutha Someshwara., *op.cit.*, pp. 117.
308. *Ibid.* pp. 118.
309. *Ibid.* pp. 117.
310. Viveka Rai, Rajashree, Yadupathi Gowda (Eds)., *Puttu Balakeya Paddanagalu*, Mangalore University, 2004, pp. 40.
311. Amrutha Someshwara., *op.cit.*, pp. 57-60.
312. Vadiraja Bhat.K., *op.cit.*, pp. 42-45.
313. Viveka Rai.B.A, Rajashree, Yadupathi Gowda (eds)., *op.cit.*, pp. 157.
314. Amrutha Someshwara., *op.cit.*, pp. 195.
315. Surendra Rao.B., *op.cit.*, pp. 127-128.
316. *Ibid.*

317. *Ibid.*
318. *Ibid.* pp. 128.
319. Viveka Rai, Rajashree, Yadupathi Gowda (eds), *op.cit.*, pp. 248-256.
320. *Ibid.* pp. 249.
321. *Ibid.* pp. 250.
322. *Ibid.* pp. 253.
323. *Ibid.*
324. *Ibid.* pp. 251.
325. *Ibid.* pp. 220.
326. *Ibid.* pp. 252.
327. *Ibid.* pp. 253.
328. Peter. J. Claus., *op.cit.*, pp. 41-93.
329. Surendra Rao.B., *op.cit.*, 135-136.
330. There is an inter relationship between the male, female and the *daivas* in the conceptual world of the Tuluvas. All the three have certain responsibilities. The men and the *daivas* protect the women of the family from the worldly and unworldly evils. It is believed as long as the men abide by these cultural mores, the women are secure.
331. Gayathri Navada., *op.cit.*, pp. 44-46.
332. *Ibid.*
333. Peter. J. Claus., *op.cit.*, pp. 55.
334. *Ibid.* pp. 61.
335. Gayathri Navada., *op.cit.*, pp. 44-46.
336. *Ibid.*
337. Peter J. Claus., *op.cit.*, pp. 76.
338. Gayathri Navada., *op.cit.*, pp. 84.
339. *Ibid.* pp. 46.
340. Surendra Rao,B., *op.cit.*, pp. 135-136.
341. *Ibid.* pp. 136.
342. *Ibid.*
343. *Ibid.*
344. Chinnappa Gowda., *Bhutaradhane : Janapadiya Adhyayana*, *op.cit.*, pp. 173.
345. Viveka Rai, *Tuluva Adhyayana : Kelau Vicharagalu*, Mangalore, 1980. pp. 16.
346. Chinnappa Gowda, *op.cit.*, pp. 174.
347. *Ibid.*

348. *Ibid.* pp. 175.
349. *Ibid.*
350. *Ibid.* pp. 175-176.
351. *Ibid.*
352. *Ibid.* pp. 177.
353. *Ibid.*
354. *Ibid.*
355. Navada.A.V., *Vivakshe*, Puttur, 1984, pp. 65-66.
356. *Ibid.*
357. Chinnappa Gowda., *Samskrithi-Siri*, *op.cit.*, pp. 71-92.
358. Jayaraj.N., *op.cit.*, pp. 176-218.
359. Channappa Gowda., *Bhutaradhane : Janapadiya Adhyayana op.cit.*, pp. 193-196.
360. *Ibid.*
361. *Ibid.* pp. 195-197.
362. Indira Hegde., *Tulunadina Gramadalitha Mattu Ajalugalu*, Bangalore, 2004, pp. 1-15.
363. Chinnappa Gowda, *op.cit.*, pp. 194-197.
364. Chinnappa Gowda., *Samskrithi-Siri*, *op.cit.*, pp. 80-86.
365. *Ibid.*
366. *Ibid.*
367. *Ibid.* pp. 84-86.
368. Indira Hegde., *op.cit.*, pp. 1-15.
369. *Ibid.*
370. U.P. Upadhyaya (Ed)., *Tulu Nighantu-Tulu Lexicon (1998-1997)*, Udupi, pp. 1224.
371. Chinnappa Gowda., *op.cit.*, pp. 84-85.
372. *Ibid.*
373. *Ibid.*pp. 85.
374. *Ibid.*
375. *Ibid.*
376. *Ibid.*
377. Chinnappa Gowda., *Bhutharadhane : Janapadeeya Adhyayana*, *op.cit.*, pp. 194-196.
378. *Ibid.*
379. *Ibid.*, pp. 195-196.
380. The *Bhuta* performer is made to wear a gold or silver bangle with a responsibility that he must perform the ritual in a particular region or of a particular *Bhuta*.

381. Chinnappa Gowda., *op.cit.*, pp. 195-196.
382. Amrutha Someshwara., "Judicial Aspects, of Bhuta cult" in U.P. Upadhyaya's (ed) "*Coastal Karnataka*", Udupi, 1996, pp. 305-309.
383. *Chaturdana* means Annadana, Abhayadana, Arogyadana & Vidyadana.
384. Prajna Ammembala., *Dharmasthala ;Bahu Mukhi Adyayana*, Mangalore University 2008 , pp. 81-85.
385. Amrutha Someshwara., "Judicial Aspects of Bhuta Cult", in *Coastal Karnataka*, *op.cit.*, pp. 305-309.
386. Jayaraj.N. , *op.cit.*, pp. 176-218.
387. *Ibid.*
388. The words of *Pampada*, *Parava* as the impersonators of the deities, who have abandoned their worldliness and stand on the unworldly level are believed to be the sayings of truth by the worshippers.
389. Chinnappa Gowda., *op.cit.*, pp. 197-198.
390. Jayaraj.N., *op.cit.*, pp. 176-218.
391. *Ibid.* 'Nyayogu Amruthada mire, Anyayogu isatha mire, Nyayogo Tigaled Sadi, Anyayogu Suryodu sadi.Nyayogu beliyad Untuva, Nikk Dharma bulya thikkand, karmada bulya pathula, sayogu daiva, Mulogu Bhuta''.
392. Jayaraj., "Janapada Aacharana Paddathiyalli Nyaya theermana" , in *Charithre Adhyayana*, Hampi, July-Dec. 2011, pp. 113-114.
393. *Ibid.*
394. Amrutha Someshwara, *Tulu Janapadada Kelau Notagalu*, Hampi, 2007, pp. 103.
395. *Ibid.* ,pp. 103-104.
396. *Ibid.*, pp. 103.
397. Amrutha Someshwara., "Judicial Aspects of Bhuta Cult", in *Coastal Karnataka op.cit.*, pp. 306.
398. *Ibid.*
399. *Ibid.* , pp. 306-307.
400. *Ibid.* , pp. 306.
401. Amrutha Someshwara., "Bhutharadhaneyalli Nyayanga Vyvavasthe" in "*Pathaya*" Mangalore University, 2010, pp. 47-53.
402. *Ibid.*
403. *Ibid.*
404. Veerappa Moily., *Tembare*, Bangalore, 1999. pp. 112.
405. *Ibid.*

406. Jayaraj.N., *op.cit.*, pp. 183.
407. Amrutha Someshwara., “Judicial Aspect of Bhuta Cult” in *Coastal Karnataka*, *op.cit.*, pp. 307.
408. Jayaraj.N., “Janapada Aacharana Padathiyalli Nyaya Theermana” in *Charitre Adhyayana*, *op.cit.*, pp. 112-114.
409. Veerappa Moily., *op.cit.*, pp. 26-27.
410. *Ibid.* pp. 160-131.
411. *Ibid.* pp. 26-27.
412. Chinnappa Gowda., *op.cit.*, pp. 203.
413. *Ibid.* pp. 203-205.
414. *Ibid.*
415. *Ibid.* pp. 110-11.
416. Chidananda Murthy.M., *Samshodhana Taranga*, Mysore, 1969 ,pp. 104-105.
417. Balakrishna Shetty.A., (Eds), *Sheenappa Hegde Samagra Sahitya*, Polali, 1991, pp. 171-172.
418. The order of the South Kanara District Sub-Court in 1892 is mentioned in the article “Judicial aspects of Bhuta Cult” by Amrutha Someshwara in “*Coastal Karnataka*” edited by U.P. Upadhyaya.1996, Udupi.
419. Amritha Someshwara., *Tulu Paddana Samputa*, *op.cit.*, pp . 232.
420. Chinnappa Gowda., *op.cit.*, pp. 232.
421. *Ibid.*
422. Prajna Ammembala.,*op.cit.*,pp.81-82
423. *Ibid.*
424. The informer is Prakash Pampada, 46 years, Bajpe, Mangalore Taluk.
425. Jayaraj.N., *op.cit.*, pp. 117-118.
426. Amrutha Someshwara., “Bhutharadhaneyalli Nyaya Vyavasthe”, *Pathaya*,*op.cit.*, pp. 50-51.
427. Chinnappa Gowda, *op.cit.*, pp. 200-201.
428. The informer is Prakash Pampada, 46 years, Bajpe, Mangalore Taluk.
429. Peter.J. Claus., *op.cit.*, pp. 189-195.
430. It is a rural tradition to keep and mention the *Bhutas* as witness in long term argument.
431. According to Peter. J. Claus waving, springing, and jumping, shouting or screaming are the distinct sings when a women is possessed by the *daiva*. They may be performers or accidentally possessed, the external actions are similar. Whichever *daiva* might have possessed the women, her behaviour after being possessed is the same.

Chapter 7

Conclusion

Conclusion

A detailed analysis of the nature of judicial practices prevalent in the social tradition of Tulunadu from medieval times to the colonial ages has been undertaken in this thesis. As mentioned in the introduction of the thesis, a comparative study of the judicial practices and societal structure of Tulunadu is attempted here. Available literary, inscriptional, colonial, archival and oral sources have been deployed in arriving at this doctoral dissertation. On the basis of all these sources the researcher has tried to understand new insights of judicial practices of Tulunadu.

- The people of Tulunadu, like the rest of Indians, had a historical consciousness, in the sense that they remembered events of the past which were important to them in chronological order, and expressed this consciousness in forms which suited their purpose most. Thus, we have *Gramapaddathi*, *Sahyadrikhanda* and so on, presenting a Brahmanical version and the innumerable *paddanas*, legends, and other items of folklore presenting the versions of non-Brahmanical groups. Colonial masters rejected both, and produced a different kind of knowledge which suited their purpose. Closely collaborating with this was the knowledge produced by evangelists. These two constituted the grand narrative of Tuluva history.
- Akin to all other historiographical attempts among world nations to carve out as elongated an antiquity as possible, similar attempts were also made throughout the historical constructions of Tulunadu. Notwithstanding, an availability of appropriate sources to render such investigative endeavours successful is deficient in Tuluva context. Further, it is also not plausible to identify the bounds of ancient Tulunadu exclusively on the basis of Tulu linguistic demography. The geographical edges of Tulunadu extend much farther than its Tulu lingual expanse. It is an antique region flourished with diverse historical, sociological and cultural traditions.
- Every Tuluva society has always attempted to ascertain its distinctness through religious, cultural and social centers of ritualistic offerings, various festivities of temple, etc., while personal devotion is expressed through subject-centeredness, social activities of devotion manifest through social belonging. Tulunadu has

decidedly been influenced by different languages, dynastic rules, religious influence, and communitarian diversity since ancient times. The traditional world of Tulunadu has been immense and plenteous. Beliefs, rituals, and worship practices assume paramount significance in determining its culture. Every society of Tulunadu has evolved its own tradition, rules, and regulations to enhance the individual well being of its members. Despite their non-availability in written form, such traditions have been sustained as social aspiration, and scripting results in formulating conventions as written traditions.

- The functioning of all legal and adjudicative bodies in the social tradition of Tulunadu appears as a corresponding model of systems found in other regions across. Legal regulations are constantly operative on the foundations of scriptures, conventions of common people and their beliefs and behaviour. The conceptions of suppressing evil and upholding justice could also be located in the inscriptions of Tulunadu. One discernible aspect in any judicial practice in the world is its simultaneous maturation with religious behaviour and constituent literature. India also had sustained texts of Manu, Bruhaspati, Bodhayana, Kautilya, and so on as the ancient cornerstones of its justice impartation. Although people within the perimeter enclosing of *bhutaradhane* and five chiefs of *panchayat* were not literate in ancient scriptures, tracts and codes of legality, the texts' gist and essence is generationally ingrained in their psychic core.
- Tulunadu's traditional Brahmanic *puranas* like *Sahyadrikhanda*, *Gramapaddathi*, etc., were effectively deployed in strengthening the social positioning of Brahmins. Both these traditional history texts were Brahmin-centered, and their versions were utilized in highlighting the supremacy of Brahmin community. These texts are also parallel to the legends and puranas available about Koraga community. A cultural encounter between *Gramapaddathi* and Tulunadu's original inhabitants Koragas, therefore, becomes crucial in identifying the inherited customary pattern of Tulunadu. The struggle to establish control over Tuluva land is intrinsically significant in the account of encounter between these two social groups. But, interestingly there have been similarities in the adjudicative procedure proposed in *Gramapaddathi* and the penalizing modes of tribal justice practice of Koragas. While Koragas banished perpetrators from their

tribe, people were expelled from their *koota mahajagattu* among Brahmanas according to one of the versions of *Gramapaddathi*.

- Despite the absence of a stronghold of *varna* system in Tulunadu, similar backdrop was crucial for the socio-cultural fabric existent here. The *shapavachanas* or curses found in the inscriptions of ancient Alupas in Tulunadu highlight the aspect that a Brahmin centre Shivalli in Udupi was considered as sacred as Kashi or Varanasi. It further also mentioned that any demolisher of Shivalli, Varanasi and Banavasi would bear the brunts of *Panchamahapataka* or five supreme sins. The adjudicative propositions carried in inscriptions were founded on the principles of caste and race. Even when a culprit was ostracized from his caste, the punishment meted out was in conformity with the caste to which he belonged. An inscription of the Vijayanagara period mentioned four castes, thereby authenticating the existence of *varna*. *Brahmana*, *Setti*, *Okkalu makkalu* are referred as distinct categories, also inviting dissimilar modes of reprimand. All these factors demonstrate the influence of four *varnas* in Tulunadu. Further, they also manifest that ancient religious customs are the foundation on which philosophical and sociological contours of Tuluva society is grounded.
- The perceptions of ‘justice’ concerning Tulunadu was not limited to the subjects of law and administration, but was defined in much broader and flexible terms. Questions of ethicality, social norms and regulations, interpersonal relationships, religious matters, etc., played a crucial role in this regard. The self-same view about ‘justice’ was held by the western perspectival world, maintaining a position that justice was not only confined to delivering right decision or adjudication, but assumed larger significance within the purview of political, social, ethical and judicial principles. A part of the traditional justice practice of Tulunadu and a political system on its own, *bhutaradhane* contained judicial structure in which the king of *seeme* or the chief of village *guttu* occupied supreme position. Furnished supreme by their caste and religious-ritualistic practices, Brahmins accompanied the administrators as *Tantridara*. The administration conducted by unit chiefs and brahmins together subjugated all other caste men under its jurisdiction, thereby also according a religious touch to the judicial governance of a traditional, folk system like *bhutaradhane*.

- Temples functioned as judicial bodies in medieval Tulunadu, and since ancient times they not only performed as hubs of religious activities, but also led the land's lingual as cultural centers. The chiefs of *guttu* enjoyed quasi-judicial powers at the temples in hobali levels. As they played a substantial role in the temple administration, they were ordained with the deity's attention and assurance. The traditional judiciary was a system ingrained in the essential of orality, maintained by village or *grama* headmen without the assistance of written documents. Such codes of justice were simple and popular in nature, and included modes like arbitration, reconciliation, oath of truth, various trials or miracles, the adjudicative process conducted by the ritual stage of *bhutaradhane*, and so on. But major obligations of the administrative system of earlier times was to maintain political structure and its pre-ordains; to preserve harmony among different caste groups; to protect *varnashrama*, etc. The conceptual language of adjudication and professing unity differed drastically in such a system of judicature.
- According to the medieval inscriptions, although a culprit was excommunicated from his caste, the sentences dictated were in accordance with his caste affiliation. Mentally tormenting or unbearable punishments were decreed as per the caste to which perpetrator belonged. Ostracizing Brahmins from their caste; excluding vaishyas from all available clanship and lineages; levying thousands of penalty on *shudras* and peasants whose day-to-day sustenance was already jeopardized; etc punishments were administered. Through *shapashayas* or curse wishes in inscriptions, efforts were made to inculcate a sense of sin about societal mishaps. People were warned that unjust acts and malevolence was analogous with sins of brahmin-murder and cow slaughter and desecrating the sacred centers. But one has to understand that inscriptions are always voice for the dictums of authority and they do not contain any detail about the common people.
- Caste-based judicial system intended to ensure the interests of upper castes, and such instances of psychological persecution impairing the harmonious existence of lower castes is evidenced through ancient inscriptions. Occupying a supreme position in the varna hierarchy, the brahmins received land and wealth from the sovereign or his representatives. Educational centers like Agrahara were also

converted and facilitated into residential quarters for Brahmins, and they were employed chiefly in all temples. Members of shudra social group were stipulated to toil in the land donated to Brahmins. Wealth was a sheer mirage to the shudras, and by imposing the punishment of fine, ancient judiciary restricted poverty-ridden shudras under the upper classes as slaves forever.

- The even handedness of judicial bodies that levy penalty on *shudras* instead of the wealthy like brahmins and *vaishyas* is a matter to focus and interrogate. Even when the Brahmins were excommunicated from their caste, or *vaishyas* deprived of their clan membership, they carried the monetary capital to sustain, while foregoing their self-respect. *Shudras* were, on the contrary, deprived of any such resources to bank upon. Although, an aspiration to punish the culprits severely in medieval period justified the various aspects expressed in inscriptional records, it appears as guided by the motive to protect the welfare of upper social groups. Further, the conceptualization of ‘justice’ was not objective in nature, but assumed flexible connotations to accommodate changing contexts.
- The colonial administration was highly prejudicial about the conventional justice procedures of this land. As there was a huge cultural chasm between the Europeans and Indians, they were unable to comprehend the intricacies prevalent here. A large portion of the conventions and practices in India materialized as superstitious beliefs in their opinion, and they concluded such practices to be conservative irrationalities. Eventually when the colonial masters reigned over the intellectual world of Indians, they accepted colonial perspectives as ‘the truth,’ thus slipping into mental servitude.
- Perceiving the traditional judicial procedures of India as symptomatic of ancient anarchy and un-civilization, they criticized it as legally baseless and unilateral in nature. The British imagined Indian judicial system to be ridden by caste and religious concerns; as partial in disposition. The world represented in the folklore was something which was distinct and distant, from the world of upper classes. The colonial intervention had widened this divide. Declaring *panchayat* gatherings as blind-following, the colonial authorities condemned the village headman as arbitrary, exploitative, and oppressive in justice conveyance. In their opinion, people were merely guided by faith during visits to religious centers.

The British ascertained that Indians were beset with ignorant superstition in matters of gods and divine beings, and that there was only exploitation in the name of divine justice. The colonial authorities dismissed cynically that what was available in the indigenous tradition as so much of legend, superstition and nonsense. Their project was to create a new knowledge, which would aid the regime of power they were presiding over. It demanded such a rejection, it was, in fact, a pre-condition for it. However, the colonial state, it should be stated in all fairness, engaged itself in a project of collecting and publishing details regarding the present and documents pertaining to the past of India.

- The colonizers' derogative opinion was guided by the objective of justifying British imperialism. This is to mean that the modern British justice system was also not blemish-free, as the judiciary introduced by them prior to nineteenth century in India was necessitated to transform into a major equipment of colonial control and administration. As a matter of fact the establishment of a strong judiciary to channelize the administrative machinery, in the newly discovered colonies, in the proper direction formed an important aspect of the British colonial policy anywhere in the world. After the establishment of Supreme Court in Madras in 1800 AD, the Madras Revenue Board possessed judicial powers in 1803 A.D., and thus, District Collectors implemented revenue administration and civil laws in their respective districts. Mangalore District Court was set up in 1806 AD. The judiciary implemented in the beginning of British governance in Tulunadu was the extension of Cornwallis System, according to which the District Collector possessed both police and magisterial authorities. Eventually, the police and magisterial powers were withdrawn from the office of District Collector, restricting his control to revenue collection alone, and the withdrawn powers were vested in the hands of District Judge. Further, as per the Thomas Munro Commission Report of 1816 AD, the police and magisterial authorities were transferred back to the position of District Collector. Though Munro's intention was to respect the traditional practices of Tulunadu, but in reality it had the voice of justifying colonial rule.
- A district munsif court was established in every taluk of Tulunadu in 1816 AD. During the colonial regime, the society and inter-communitarian relationships in Tulunadu experienced many alterations. A chief reason behind such changes was

the administrative policies adopted by the government of British East India Company. Major explanation for the transformation of social sector in Tulunadu was the establishment of law-abiding judicial court; conquer of Vitla, Nileschwara and Kumbale Kings; and the new revenue system introduced by Munro.

- After the institution of British governance in Tulunadu, the responsibility of mediators, zamindars and village headmen who hitherto adjudicated was rendered less significant. Apart, Munro's judicial structure didnot create space to appoint local individuals to key positions. Nevertheless, the British countered the necessity to incorporate local Patels and Shanubhags in management and judiciary at regional levels, as they possessed knowledge of the land and its inhabitants. Patels and Shanubhags, the traditional chiefs of villages, were thus admitted into the local administrative system, but not out of affection for the neighboring people. It was a bargain of mutual gain; the British required the support of conventional power-holders of villages, and the chieftains in return enjoyed the attention bestowed by new rulers. Many land-owning associations in Dakshina Kannada had also demanded the appointment of localites as village munsifs. Thus, there was an insistence to replace the pre-colonial patels with village munsifs of new system, chiefly because the new position arrived with British colonial protection.
- Even practically, the British required local assistance to manage labour force at lower levels. Therefore, the Company's position was to adopt many facets of local authority and to deploy them as formal assisting cadre. In Eric Stokes' opinion, this approach resembled the 'pacification policy' adopted by the British soon after suppressing the primary level resistance to colonial regime¹. The Anti-British agitation in Tulunadu between 1800 and 1857 was the above mentioned primary level of resistance, after which the British espoused pacification policy by converting the prominent local communities into pillars of colonial governance. This all-India level strategy of British was applicable in Tulunadu as well.
- The Ryotwari System implemented by Munro in Tulunadu was fundamentally an arrangement struck with the mulawargadaras, the actual owners of the land. Intriguingly, although mulawargadara was the original landlord, he was not the

actual cultivator. Further, the mulawargadaras of Munro's Ryotwari System were not as large landlords as the Zamindars of Bengal's Permanent Settlement. Mulawargadaras passed on their land to tillers under different modes like chalageni, mulageni, vaidegeni, and so on for cultivation. The Ryotwari System implemented by Munro in Tulunadu was distinct from the Ryotwari introduced by British in other parts of India. The peasants conceived by Munro here were mulawargadaras who in reality did not cultivate in the land. While the mulawargadaras gained in their strength and affluence, the actual tillers of land were rendered more and more miserable. In addition, it led to the founding of absentee land lordism in Tulunadu similar to Bengal. Further, as the peasants failed to remit land revenue on time, the law suits pertaining land increased manifold.

- The main objective of Company administration was to maximize the quantity of revenue collection by ameliorating the pre-colonial agricultural relations. To shield the colonial establishment the Company government effectively deployed different administrative bodies like Police, Judiciary, Revenue, etc. Apart from agriculture-related revenue gathering, the British also extracted enormous tax through monopoly over salt trade, tobacco trade, excise and so on. The new revenue system introduced in Dakshina Kannada in 1800 exerted a crucial role in transforming the social and economic fabric of this region. Many money-lenders and zamindars were successful in being appointed as revenue collectors in Company administration. They entered into a rivalry with the British officials in preserving their self-interest in the newly emergent agricultural set up, as a result of which confiscation of farmers' land, transfer of deed, etc became a norm of the day. Local money-lenders and zamindars mediated between the government and cultivating farmers. With the introduction of new judicial system although the role of previous adjudicators like mediators, zamindars and village chiefs lost its significance, they appeared in novel avatars as intermediaries again. Verbalizing in favour of the British sovereignty, such negotiators in novel robes sidelined the well-being of farmers, labourers and other weaker sections. To sum up, medieval feudal characteristics emerged in newer appearance after the establishment of British regime.

- Even if the people belonging to lower strata were heavily exploited, both socially and economically, under the stranglehold of caste hierarchy, it is not accurate to declare that the modern judiciary played a specified role in ensuring justice to them. After the appearance of modern means of justice, the feudal lords, who hitherto exploited in the society shed their traditional garb, only to melt into the modern system, and to revel in the novel center of power with replaced new attire. The voiceless common people were not benefitted from this new apparatus as well. H.A.Stuart's observation that the number of law suits was comparatively less in Dakshina Kannada when compared to the entire Madras Presidency should be perceived in this backdrop itself. While it doesnot establish that there were hardly any complications here, it indicates the successful deployment of previous feudal lords by the British as a chief rationale working behind the decreased number of cases.
- Poverty, illiteracy and dread towards the modern judicial system proved as hindrances for the lower social groups to approach new system. The new courts resorted to compromise only in cases related to land or property. In the initial stages of judicial implementation, the landlords possessed both monetary means and legal knowledge to ascend the steps of modern courts. On the contrary, many tillers toiled as slaves in the landlord's field and led a life of extreme poverty and ignorance. They didnot enjoy a social identity of their own, and nor were treated as human beings.
- The ancient convention of 'Aliya Santana law' of Tulunadu was also perturbed by the intervention of British regime. Youth of the major castes abiding by the Aliya Santana law like Bunts, Billawas and Mogaveeras beseeched the British government to intervene and prohibit the conventional law of inheritance, and accordingly, it was proscribed, and merged into the mainstream Hindu law code. Considered a principal marker of matrilineality, the Aliya Santana law has merely been restricted to the religious ritual in contemporary times. The Aliya Santana Act of 1949 has been regarded as the *Magna Carta* that furnished emancipation to the youth of Bunt, Billawa and Mogaveera castes
- In the initial days of establishment, the British government considered slavery in India as a justifiable social institution; as they even deemed slavery as a

respectable local convention. In its preliminary years, the British regime was solely engrossed in reaping political benefits and amassing revenue riches, and thus also harboured fear about antagonizing the foundational support base of upper class by questioning the ancient practice of slavery. However, when associated law suits were filed in the court rooms, the British offered to extend assistance to the socially suppressed communities.

- As a general scenario, most of the civil cases brought forth for investigation in Tulunadu were related to land, and the judgment was by and large in favour of the landlords. Even in criminal instances, law suits against upper social groups were limited in number, and if petitioned, they escaped any punishment. In a nut shell, while the upper classes utilized judiciary to suit their requirements in the traditional justice system, similar necessity guided the colonial system to deploy judiciary in favourable ways. In both these structures of justice conveyance, the upper social groups emerge as integral to its functioning. In township level Courts like Village Court, Village Bench Court, Village Panchayat Court, the Patels and Shanubhogs resolved cases through reconciliation. However, these compromising resolutions were always in favour of the wealthy.
- A major drawback of the judicial structure set up by the British in Tulunadu was its inability to deliver appropriate justice to the peasant class. Despite the highest number of land-related petitions filed in British Courts in Tulunadu, it was incapable of according justice to the farmers. The modern Courts in this region were not independent enough to investigate into peasant-related issues and deliver suitable judgments. They were prescribed by the higher officials to function only within the limits demarcated.
- Fundamentally, the British government concentrated on safeguarding the interests of land-owning class. As a result, the affiliation between mulawargadara or landlord and his tenants was not congenial for the agricultural and economic progress of the region. All the land-owning households in Tulunadu like *guttu*, *baava*, *beedu*, *chavadi*, *paraari baalike*, *barke*, and others were in favour of the British. The actual tiller of the land, the farmer, could not elicit any patronage from the landlords in bettering the cultivating land. Likewise, the newly appointed Collectors engaged in gathering accolades from their higher officials,

augmenting and fortifying their official status. Thereby, the Collectors intended to replete the government treasury with ample wealth.

- Aiming to eradicate slavery in India, the Calcutta Supreme Court implemented a law in 1843, declaring all kinds of indulgence in slavery as a punishable offence. Even while this regulation appears as a drastic step in social amelioration, in reality, the presently released slaves were employed as labourers for a certain amount of remuneration in British Plantation estates. The coolies here were treated in more defective manners than as slaves earlier, thereby, resulting in the establishment of a different kind of slavery. The exploitation of labourers in Eastern India's tea estates could be sited as an example². The judicial policies executed by the British created every scope for the 'White Subalterns' to escape from crimes committed. Debating about the prevalent slavery, such a twin folded policy was necessary for the British to swimmingly set the colonial sovereign machine in motion. On the one hand, while the legislatures formulated by the British in India assured to address all its citizens on the basis of equality, in actual truth, upholding the supremacy of white citizens was its chief objective. Like all the remaining colonial policies proposed and executed by the British, their judiciary was also beset with multiple dichotomies. To sum it up, "The goddess of British Justice, though blind, is able to distinguish unmistakably black from white³."
- Modern judicial system has percolated into every corner of the country today, and simultaneously, many new laws have emerged in the name of social justice. Nevertheless, a parallel presence of traditional, conventional justice system or judicial panchayat along with modern legality to resolve conflicts has always been in place in rural areas. Ingrained positive elements in the traditional justice system have contributed in sustaining it until this day. Communitarian welfare is intended in the verdicts offered by this traditional judiciary, and although the judgments here seems simple, they are filled with ample prudence. The panchas or elders of panchayat, or the headman of *guttu* or caste endeavor to impart justice and not a mere verdict.
- In modern court rooms witnesses assume paramount significance as verdicts are based on their statements. While individual rights receive added emphasis in new

courts, the notion of duty is conceived more humane. Further, conventional judiciary interrogates into all kinds of law suits, without marking a distinction between civil, criminal cases. It does not seek solely to punish the culprit, but convert them into better human beings.

- There is also no scope for delay in the traditional judicial set up, as the victims could approach the justice-imparting elders at any moment. The local language of mediation is also familiar to all parties. Modern judiciary, however, does not create scope for this provision. It is possible to obtain justice without heavy expenditure in the earlier legal structure, which could not be expected under the modern system. Although it was intended to render judiciary more accessible by establishing village courts during colonial period, it could not catapult into a favourable system to the common people as ancient judiciary had been.
- Judicial system in modern period was bound by certain procedures and conditions, as against conventional panchayat system which was directly concerned with the peaceful existence of its people. There would hardly be any scope for false testimony in traditional set up as the elders or panchas would be well aware of the nature and background of petitioners. If there are any minor uncertainties in the cases already resolved, panchas or *guttu* chiefs address and rectify them in the future. Notwithstanding, traditional judicial system was not exempt from blemishes.
- But there are several shortcomings in the traditional judiciary also. While observed carefully, the pre-colonial judicial procedures appear as a part and parcel of the politically centralized caste hierarchy prevalent in Tulunadu. 'Justice' under such a system was conceived and defined by the king and his family, and therefore, it is necessary to recognize the adjudicative decisions as verdicts pronounced by them in favour of political, administrative bodies.
- It is evident in the history of Tulunadu that justice was always in favour of the authority, royalists and upper class social groups. Both phallogentrism and supremacism have played a crucial role in the constructions of history. A predilection towards male and authority is not only discernible in history-writing, but also in social, cultural and judicial arrangements.

- One can discern that patriarchal voice is prominent even in the justice proceedings of tribal societies. Although many of the tribal communities in Tulunadu adhere to matriarchal family system, it is confined merely to religious rituals. It is evident that the authority of men is unchallenged in matters of control, property and land-possession. Even while a similar practice is sustained among other castes like Bunt, Billawa and Mogaveeras following matriarchal family in Tulunadu, the authorial command of men is unquestionable. The ritual of *sudusudda* among tribal communities like Koragas, Mundalas, Bakudas could again be mentioned here. While this ritual was carried out to purify the defiled women bodies, the same customary punishment was not applicable to men responsible for her adulteration. Justice was not imparted on unprejudiced grounds, as gender, economic status, etc., always played a crucial role. To demonstrate with another example, when a married woman of Jogi community spent a night outside her abode, she was fined with five rupees, but the man performing similar deed was exempted from any such punishment.
- The tribals all over the world are losing their distinct identities and rich cultural heritage. Contact with non-tribals, deforestation and evacuation of tribals from forest, their ancestral land, are the important factors responsible for this loss. Indian tribes have been experiencing social, political, economic and cultural deficiencies since a long time. Because they retained their cultural separatism from ancient times, they were subjected to exploitation by other communities. After the advent of industrialisation, they were made to work as slaves for many years. The rapid modernization and industrialization narrowed down the forest land of the nation. This affected adversely the means of livelihood of the tribal people. Rehabilitation and capital reinvestment projects displaced them from the forest to the open land which destroyed their separate entity.
- A focus on the function of temples in the traditional justice practices of Tulunadu is an essential aspect to ponder over, as temples also performed as judicial courts. The significance of temples could be perceived from two standpoints: Firstly, a mandate to abide by the verdicts of religious centers; and secondly, if there was any uncertainty about the alleged culprit, the ultimate decision was arrived at in temple courtyards. An ancient method called *divya* and *hoilu* were crucial in

determining the perpetrator in temples. It was also referred to as *bhagavantana teerpu* in kannada or ‘lord’s verdict,’ and an interesting aspect to observe here is that ‘*divya*’ and *hoilu* are deployed only in cases of land dispute, theft and caste honour. *Hoilu* system was also not free from caste barriers. The upper class people used to submit *hoilu* to a vedic god whereas non-Brahmin village people were inclined towards folk deities in their submission to supernatural spirit. But the *hoilu* and *divya* systems are the methods of appealing to supernatural authority points out basic features of the culture of Tulunadu or Southern Karnataka. It is one small aspect of Hinduism as a system of daily religious beliefs and actions, rather than as an elaborate philosophical system. Being restricted to a relatively small geographical area, it shows how Hindu religion is modified to fit special local circumstances. Surrendering the irresolvable concerns to the divine power seeking resolutions is evident during such trials.

- In Tulunadu and other parts of Karnataka, *divya* was generally conducted in temples or in the presence of brahmins. *Paddanas* also supply ample evidence to this practice. The temple officials conducting *divya* extracted money from the parties responsible for *divya* and deposited it in the temple treasury. Faith in almighty was exceeded by the fear in divine powers, and thus culprits confessed their crimes. While traditional judiciary contained many favourable aspects, many limitations were equally fundamental to its structure.
- Entire Tulunadu was geographically brought under a centralized administration during Vijayanagara kingdom. When Tulunadu’s political and administrative system is placed in comparison with the political and administrative structure of *bhutaradhane*, they emerge as two ‘parallel’ systems. While *seeme* or *nadu bhuta* was equivalent to the king in charge of *seeme* governance, *magane bhuta* exercised control over *magane*, *grama bhuta* on villages and *kutumba bhuta* on respective families. The geographical jurisdiction of *bhutas* in terms of authority varied from one to the other. At *magane*, *grama*, *guttu* and family levels, *magane bhuta*, *grama bhuta*, *guttina bhuta* and *kutumba bhutas* respectively, exercised authority as peers or representatives of chiefs who governed those administrative units. *Bhutas* play a crucial role in sustaining the topographical unity of different political divisions.

- *Bhutaradhane* has been wielding a significant role as part of the traditional judicial arrangement of Tulunadu, and it has forever carried out both adjudicative and unifying chores in an institutionalized mode. This religious, available-to-sensory-perceptions judiciary has ensured that people belonging to all caste strata of society are present during justice conveyance. Similar to the chiefs of different administrative units, who pay special attention to harmony in governance, social regulations and protection of ancient religion, representative *bhutas* also operate as supplementary bodies to the same cause. The justice court of *bhutaradhane* at times also functions as governing units of executive and legislature. It is not just a religious activity but also plays a significant role in upholding the rules and regulations and maintaining justice in rural areas.
- But at the surface level although it emphasizes unified existence as chief objective, traditional justice practice of *bhutharadhane* also seems in favour of the social conventions of caste and zamindari system. *Bhutaradhane* endeavours to preserve the structural character of hierarchical caste society in its most conservative forms. It sustains the traditional values, norms and regulations in their most originary contours. In a nut shell, *bhutaradhane* has perpetually identified two distinct strata: the parallel head of administrative unit along with his close associate brahmin priest on its own side, and rest of the societal representatives on the other side of power axis. Despite such an alignment, *bhutas* invoke an impression among common people that they do not indulge in pre-disposed partiality, but adhere by the maxims of justice.
- While adjudicating the law suits brought forth, *bhutas* not only scrutinize the tradition, beliefs and behaviour of different caste groups, but also honour the age-old, venerable social conventionality of the land, even as, simultaneously, underscoring its regional distinctness. In innumerable instances of justice-imparting, the *bhuta* performer functioning as the symbol of daiva is required to deliver judgment with utmost concern. When there is a dearth of evidence to resolve issues in hand, he defers the day of adjudication, and when the *bhuta* performer foresees danger in personally intervening in a conflict, he seeks the opinion of various people like chief priest of the place, headman, *gurikara* of the

village, etc. An element to observe here is that the spiritual world never trespasses the bounds of temporal governing structures.

- *Bhutaradhane* send out an impression that, many a times it protects the interests of dominating class instead of lending voice to the common population. A few of the references in *paddanas* also come into sight as upholding the welfare of upper strata of society, indicating the possibility that even folk literature of the hitherto voiceless was regulated by the hegemonic culture of medieval period. For example, in the Mayandal *paddana* Alivoli Nayaga is subjected to the wrath of Jumadi just for withholding his contribution of tender coconuts to the worship of Jumadi and his niece is put to cruel death. Koraga Taniya meets tragic death by giving the excuse of breaking social law by plucking a fruit from the tree of temple yard. The young bride Mukambi Jevu's modesty is outraged by the oldman, who acted as her guardian but she has to swear before Guliga shrine to prove her chastity to her husband resulting in her death due to the wrath of Guliga.
- Another crucial aspect to pay attention is the role played by village *guttu* houses during the coronation of kings of *seeme* administrative unit. The honorary enactment offered to *guttu yajamana* or *gurikara* by the *seeme* rulers is lucidly visible here, driven chiefly by the motive of mutual support and fortification. One of the specific authorities extended by the *seeme* ballala to the *gurikaras* was judicial control. Both King of *seeme* and Ballala of *magane* required the obeisance of *guttu* *gurikaras*, as the vast political expanse of *seeme* rulers necessitated local endorsement. In this backdrop, it was not people's sensitivity but the stakes of feudal forces that was shielded under existing social system. In addition, the judicial prerogative of *gurikara* was also sanctioned by the village deities. The divine statement during *gadi pradana* or enthronement of *guttu* headman assumes significance here: "You are my groom, you hold my scepter, I will then reside on your tongue."
- To convey the truth, justice impartation was an integral element in the configuration and guiding spirits of *bhutaradhane*. The worship of deities in *bhutaradhane* was coupled with faith, fear and other emotions in its shared social anatomy. Even if the *bhuta* was distanced from all physical centers of power on

the surface, it was, in reality, consociated with the same centers. The adjudicative authorities of *gurikara* were strengthened by the mediating presence of *daivas*. Thus while the rulers of *seeme* unit confined *gurikaras* in their spongy web of power, *gurikaras* in return reaped benefits through the general public of the village. By deploying the village *bhutas* as wielding weapons, *guttu gurikaras* flaunted their supremacy.

- It is commonly believed that communitarian harmony is established during the annual rituals offered to *daivas* under traditional judicial system like *bhutaradhane* at *grama* or *magane* or *seeme* levels. It is imagined that people belonging to all castes and sects exhibit equality and unity during village festivals. On the contrary, when the caste structure prevalent in villages and despotism of landlords is perceived carefully, the above mentioned mental mirage of people could be rendered false. A superficial view of the village deities' festivities or *nema* demonstrates that it is intricately connected with the cultural existence of lower, physically toiling labour class of society. Nevertheless, the role exercised by upper caste-classes in such rituals also evidences the absence of social egalitarianism. Any angular view of the village deity festivities depict vividly that there exists a complete conformity with the frame of hierarchical social structure already established. While the lower social groups in this system drudge yielding, custodians of upper strata receive their hard labour for meager alms, and display condescending attitude.
- It is necessary to analyze if conformity to justness is maintained in a traditional judiciary like *bhutaradhane*, as it is also significant to understand 'whose justice' is endorsed here. The *bhuta* performers do not seem to possess the autonomy to rise above conventions of worldly life while delivering justice. Working as a part of the feudal structure, it is essential to comprehend if the justice imparted by the *bhuta* performer is indeed socially-oriented. Like the conceptualization of 'justice' is not objective as described in inscriptions, the adjudicative verdicts of *bhutaradhane* also do not appear to mount above the confines of allegiance to stations of power.
- The *paddanas* sung by *bhuta* performers during *bhutaradhane* describe the stories of both men and women supernatural champions in their struggle for

justice; transmitting the message of protest. On the contrary, the ritual stage of *bhutaradhane* displays a condition that is not compatible with the aspirations expressed in *paddanas*. Although *paddanas* situate the disregarded lower caste people into the frame of a particular hierarchical organization; within a solidified authoritative structure; and evoke the illusion of acquiring justice through the mediation of divine forces, in reality, the ritual arena of *bhutaradhane* rejects such a eudaemonia. *Paddana* narratives of Siri, Kalkuda-Kallurti, Mayandal, Mukambijevu, Koraga Taniya, Koti Chennaya, Parati Mangane are not outside this rejection. Despite the authorial voice and presence of such divine men and women in *paddana* narratives, they are subsumed under the thunders of contemporary capitalistic forces during real-life rituals. All these merits and demerits of *bhutharadhane* justice system may be accepted as reality. None the less, the tradition of *bhuta* worship has been alive to the contemporary realities and has absorbed the changes in the society, which ensures that it retains its dynamic power. For example, if a dispute between land lord and tenant is referred to the *bhuta* today, the *bhuta* would not give his judgement on the issue, but would advise that the matter be referred to the court of law or land tribunal earlier.

- The epigraphical, oral and modern European writings on Tuluva society reflects almost similar picture. The caste system was highlighted in these three modes of writings, and an elevated position was given to Brahmans in epigraphical, oral and British writings. Caste Brahmins have been depicted as people connected with religious activities in these modes of writings. Not only that these three varieties of writings have recognized the feudal type of governance in Tulunadu and professions of the people almost looks similar. The judicial practices of pre-colonial Tulunadu as observed by these three varieties of writings also looks similar. For example, all the three types of writings enunciates the role of temples, *guttus*, and community arbitration practices.
- Similar to every nook and corner in the world, the notions of 'justice' in Tulunadu was also directed, in all times, by its political, social, religious and cultural despotism. Monarchy and feudal structure in the precolonial period, followed by British imperialism and new feudal set up in Tulunadu during colonial epoch, guided the contours of judicial system. Even the tribal judiciary

was also not free from the vicious shadows of male domination and main steam feudal politics. *In pre-colonial and colonial regime, feudalism or neo-feudalism acted as the tool of power politics but in tribal judiciary, gender itself acted as the fountainhead of power. Paddanas* also underline the sensibility wherein upper class wellbeing is upheld during justice conveyance. In a nut shell, the scale of justice impartation forever tilted in the direction of the haves alone.

- The conceptual rubric of ‘justice,’ therefore, is always contextual in nature; and not objective or absolute. ‘Justice’ is all the time inclined towards individual interests. An analysis of the nature and responses of ‘justice’ conceptual brings into fore questions of ‘whose justice?’ and ‘justice to whom?’ as central concerns. ‘Whose justice?’ is answered by, on whose side the witnesses stand, and ‘justice to whom?’ is forever guided by the strongest party who could manoeuvre the witnesses to his area.
- To quote an example, while Kalkuda-Kallurti *paddana* depict Karkala Bhairarasa as the perpetrator who amputated the limbs of Kalkuda, written literature like *Gommateshwara Charitre* of poet Chadurachandrama depicts him as a benevolent ruler. ‘Justice’ in one context emerges as ‘injustice’ in the other, like while *paddanas* are the creation of a *parishishta* or down trodden or informal, subordinated context; Gommateshwara Charitre has evolved in the *shishta* or formal context. While depriving Siri of her ancestral land emerges as ‘justice’ in that particular context, for Siri, it prefigures as ‘unjust’ proclamation of male supremacy. The very biological identity of Siri as a woman spurs the male contextual world to denigrate her existence and claim.
- But the researcher has examined a new insight in the Siri epic. On the basis of researchers recent field work at Kavathar and Peruru Alade , it is argued that Siri ritual is a death rite offered to Bermu Alva , Siri’s grand father. The memory of Siri, her mediumship and matrilineage as the women’s mass possession indicates the tradition of a death rite. It is argued that the rituals like *Talau lappunu*, *mara kadpunu* (cutting the tree), *chinkri padunu*, *agelu balasunu*, *kalekola* etc., indicates the very crucial convention carried out during the funeral rite among the Bunt caste in Tulu region. The chief characteristic of the custom *talau lappunu* is measuring paddy with inverted hand and offering it

to the lower castes serving in different capacities during the death rite of Bunts. The custom of offering areca flower to the tomb like structure by the siri performers is also indication of the funeral right. By doing so it is an attempt to give justice to the unsettled soul of Bermu Alva. While the larger arena of Siri ceremony is to offer a death rite to its foremost member, it is also an interesting sphere for the incessant community to bemoan the loss of their matrilineal ancestry

- As portrayed in the inscriptions, the medieval justice system of Tulunadu intended to safeguard the *varnashrama dharma*. This justice was determined by contextual disposition, and any resistant voice was deemed as ‘perpetrator,’ as ‘irreligious.’ Similarly, no citizen exhibited the courage to defy the adjudicative position of temples in medieval times, because the contextual conceptualization of justice validated its authority. The justice proceeding of *bhutaradhane* in contemporary times is correspondingly not outside this mould. Though we can clearly discern expressions of protest against social injustice and exploitation in the *paddanas* and few other aspects of *bhutaradhane* but it actually functions against their values opposed to life affirmation. In reality such protests and rebellion of *bhutaradhane* get nullified, though in the brief world of illusion created by this theatre they seem to realize. So the protest takes shape when time, place, individuals and situations go into a contrived world of illusion. Under this situation it seems impossible that a revolution would ever occur against economic injustice or the caste system.
- Any era in the history of mankind is ridden with struggles to procure ‘justice,’ and such strenuous efforts were suppressed in the absence of social justice regulations. As a deviation, the democratic societies have opened up the possibilities for such justice-seeking struggles. However, as such efforts are determined by multiple power blocs like political, castiest, financial and religious, only those agitations handled effectively succeed in their mission. Therefore, the success of social movements should be perceived at the backdrop of the booming of such power axis.
- A singular emphasis was laid on the witnesses in pre-colonial judicial procedures, and likewise, the colonial justice system also functions on the basis of witness

accounts. Nevertheless, the question to address here is the nature of those witness stories, as they are continually tampered by the wealthy and socially superior groups by either destroying or trading evidentialities. It is thus not unproblematic for any judicial system to operate objectively. To express the truth, objectivity is a novel dream or majestic mirage. There are more instances of one's justice rendering an unjust blow to the other. And as said earlier, 'justice' is simply a contextual perception.

- It is plainly inappropriate to judge the substantiality of any judiciary based on the popular verdicts formulated. On the other hand, it is also not desirable to revive regulations like Manusmritis of ancient era in the rush to identify integrity of a justice system. Doing so would equate the justice practices of India with that of Middle Eastern Islamic countries. It is not feasible to deliver a justice congenial to all the parties in all periods.
- Nevertheless, both traditional judiciary and modern justice procedures are functioning analogous in contemporary times. Many conflicts unresolved in modern courts are adjudicated in the ritual theatres of *bhutaradhane*, and many other disputes are resolved at the mediating stage of ritual itself. A few other cases are resolved by the community elders, thus demonstrating that despite its drawbacks, the traditional judicial mode has not extinguished altogether. Similarly, the modern judiciary has also not been successful in imparting justice in all law suits brought forth. While modern court rooms lay additional emphasis on witness accounts, the traditional justice procedures suffuse more weight on individual conscientiousness. In modern times in a court of law the plaintiffs, defendents and witnesses, all have to make a solemn oath that they will speak the truth. There is similarity between the oaths which are made in the presence of the *bhuta* and before the judge in a court of law.
- A significant reality to observe here is that, no novel system could absolutely destroy the previous ones. Even in moments of transformation, the new structure doesnot eradicate the old system, but imbibe into its altered self, the old principles, either in novel forms or in modified versions. Although history has repeatedly strewn with examples of a superior system establishing its monopoly over a relatively inferior structure, the replaced anatomy scripts its seal over the

conventionalities of suppressed system, and further incorporate it into its own structural configurations. The former social system thus defies the confines of a past tense, and remains in its minutest forms visible only to the discernible, insightful mind. Even in immeasurably small modes, the shadows of yester year or the crumpled silhouettes of oppression linger on. Similarly, in present-day realities, the traditional justice measures operate within the visible horizons of modern judicial structure.

Notes & References

1. Eric Stokes has written a book *Peasant and the Raj* on the nature of 1857 movement. According to him, any anti-colonial resistance of a typical society always has three stages. They are primary resistance, secondary resistance and tertiary resistances. Primary resistance is a spontaneous reaction of the indigenous people to the foreign rule. It is an unevolved resistance of a primary society. It invariably loses its fight. After this failure, there is a phase of collaboration between the foreigners and local people. Eric Stokes call this stage, the phase of pacification. The localities after knowing their weakness, cooperates with the foreign rule, that leads to the establishment of better economy.
2. Elizabeth Kolsky., *Colonial Justice in British India; White Violence and the Rule of Law*, OUP, 2010
3. *Ibid*, pp . 4

Cultural Glossary

Agelu Balasunu: Gastronomical offerings to the demised soul in Tuluva society.

Agelu: Non veg meal offered to *bhuta*.

Aisrala: A head of a *guttu* with command over 5000 soldiers.

Ajalu: It was a system in which certain families belonging to specific communities were required to render fixed services at the various social and religious functions of the village.

Aliya Santhana : It is a Kannada term for matriliney system followed by certain Tulu speaking non-brahmin castes of Tulunadu.

Baade: It is a meeting hall, where all the members of the Gowda family meet and discuss matters.

Bahdury Pagoda: A coin equal in value to four rupees.

Baidya: A male member of the Billawa community.

Bail: A wet and fertile land where all the three crops, *enelu*, *suggi*, and *kolake* can be grown.

Bail: Residence of a Bakuda family.

Bali system: Family system or lineage, which is rooted in the matriliney.

Barage: Bunt man.

Barane: *Bhuta* distributing victuals and consuming meals.

Baramahal: 'The twelve countries', the name a zilla now forming a part of Salem.

Barike or Balike: An administrative unit.

Basadi: Jain religious centre.

Bava: An administrative unit.

Bermer: One of the powerful folk deities worshipped by the Tuluvas. He is viewed as the presiding deity of all the folk divinities of the Tuluvas.

Billathi: A Billawa woman.

Black books: A revenue document particularly written on cloth thickened with charcoal and gum.

Boodu: A manor house.

Canteray Pagoda: A coin equal in value to 2.92 rupees.

Chalageni: System of leasing out land to the under-tenant on a temporary basis.

Chavadi: It is a quasi-judicial body; a court; a village hall.

Chinkri Padunu: The rite of twinning the jaarige leaves with the fibrous veins of coconut leaflets or chinkri.

Circuit court: It is the name of court system in several common law jurisdiction.

Core: The part of a state, that is central to its existence or character.

Curnam: A clerk or village accountant.

Daroga: Superintendent of Police.

Dhareseve: Important part in the marriage tradition in most of the Tuluva communities. It consists in pouring water from pitcher on the palms of the bride and groom.

Eja Nagara: The reference in the inscriptions for Vijayanagara.

Enne boolya: Giving permission to *bhuta* artist to start the kola or nema festival.

Fairness: It is the quality of making judgements that are free from discrimination.

Fasli: Revenue year or financial year. One has to add 590 to convert *fasli* year into christen era.

Faujudari court: They were courts of criminal justice in Moghal and British India.

Gaddige: Chair of rule.

Gadi: Office of authority, headship, and responsibility associated with *bhutharadhane*.

Gaggaradechchi: The initial dance performance in the *bhutharadhane* in wearing anklets.

Gejje katti: it is a traditional knife used to be carried by a bunt woman in olden days.

Guttu: An administrative unit at the village level, usually the house of Bunt or Jain aristocrat.

Hanjamana: Trade guilds of Persian muslim soldiers.

Hoilu: It is also called “Gods justice”, or rural justice delivery.

Indra:A jaina priest.

Joga:Material world.

Jumadi:Dhumavathi daiva.

Jumma; The total government revenue or demand upon the lands of a village.

Jummabundy: The annual settlement of the revenue or government demand upon lands of a village or of a district or of an individual cultivator.

Kale kola:It is conducted specifically on the occasion of the 13th day death ritual of the Yajamana of the bunt guttu.

Kali perade:Black hen.

Kapada:Head man of the Mera community.

Kattalegalu: Customs.

Kattu:Excommunication.

Kattunittu:It refers to the enforcement of *nittu* punishment in the neighbouring village.

Kayyale:It is the verandha, where Gowda family head adjudicate.

Kodiadi:A place where *bhuta*'s paraphernalia is kept.

Koodavali:It is a marriage ritual among the Maila community, where the hands of boy and girl are joined by the elders. There is no dhare in a koodavali.

Koppa:Residence of a Koraga family.

Madhyastha: Arbitrator.

Magane:An administrative unit below the *seeme*.

Manegar: A subordinate revenue officer, possessing limited police authority.

Mantame:An oath stone, which is also known as *Pramana kallu*.

Mara Kadpunu: The rite of cutting the mango tree, after the death of a caste-bunt member.

Maya:Spiritual world.

Mudi:Fourty two seers of rice bundled in a pack, which is made up of straw.

Mulageni:System of leasing out land to the under –tenant , on a permanent hereditary basis.

Mulapatta: A grant conferring the hereditary proprietary right of soil on the cultivator.

Munnurala: A head of a *guttu* with command over 300 soldiers.

Munshi: A clerk, minister, tutor, secretary.

Munsif: A judge who decides civil suits, usually an Indian.

Musrala: A head of a *guttu* with command over 3000 soldiers.

Nannurala: A head of a *guttu* with command over 400 soldiers.

Nattil: Residence of a Billawa family

Nittu: The punishment of social ostracism given an individual by guardian diety.

Nudikattu; Verbal blessing and fulfilling vows by the *bhuta*.

Okkelme: Agricultural profession; reference to a bunt.

Okketri: A Bunt woman.

Oni: Residence of a Mera family/

Osayo sandhi: Story that explains the spread of *bhuta*. The *bhuta* artist reaches super human state by singing this *sandhi*.

Ottu guttu: The other traditional *guttu* house than the main *guttu* house in the same village.

Paari: A prayer and request performed before the *bhuta*, in the beginning of the ritual.

Padmakatte: A place of rest under the tree (usually coconut tree), in the corner of the courtyard of a house.

Palavaru: The members of the village panchayat and village court.

Panchayat: A compensation jury, arbitrators who are usually five in number.

Parari: An administrative unit.

Patel: The head man of a village, who collects the rents from the other peasants, and has the general superintendence of its concerns. He is also village Magistrate.

Patterikoota: It was the traditional village Nyaya Panchayat.

Peishcar: A revenue officer placed in charge of a taluk and invested with nearly the same authority as a Tahasildar.

.Purvada maryade: Constitutional usage.

- Sadr Diwani Adalat:*** It was the supreme court of revenue in British India established at Calcutta by Warren Hastings in 1772.
- Sambandam:*** A custom of loose, quasi-martial relationship between Nambudirimen and Nairwomen.
- Sarala:*** A head of a *guttu* with command over 1000 soldiers.
- Sathige:*** A decorated umbrella kept on the idols or masks. A decorated parasol held behind the idol during procession.
- Sattu guttu:*** A unit of two co-operating and collaborating manor houses.
- Seeme:*** An administrative unit below the *nadu*.
- Shanbogue:*** Village accountant.
- Sheristhadar:*** Chief Superintendent or head clerk.
- Shroff:*** A manager or a cash keeper.
- Star Pagoda:*** A coin equal in value to three and half rupees. Eighty cash or coins is equal to one *fanam*, Forty *panams* is equal to one star pagoda.
- Sudu sudda:*** Ordeal of passing through seven burning houses, which are made up of grass.
- Talau Lappunu:*** It is one of the chief customary practices conducted during 11th or 13th day rite after the demise of the caste-bunt member.
- Taluk:*** A dependency, a country, a district, a sub-division.
- Umbolige:*** A common dining room in the house of *Pattedara* of Gowda community.
- Vakh dosha:*** Speech desecration.
- Veelya sastra:*** It is a ritual in the marriage of Marathi community, which is also called betal leaves offering ceremony.

Bibliography

I. Primary Sources

A. Proceedings, Records and Administrative Reports

- 1 Anderson, F., *Reports on the Jamabandi of Kanara for Faslis 1244 and 1245*, Collectorate Press, Mangalore, 1880
- 2 *Annual Report of the Basel German Evengelical Mission in South Western India for the years from 1840 to 1913.*, Karnataka Theological College Archives, Mangalore.
- 3 Arbuthnot, A.J., (compiled), *Select Papers of Criminal Cases Determined in the Court of Foujadree Adalat of Madras, 1826-1850*, Madras, 1851.
- 4 Arbuthnot, A.J., *Major General Sir Thomas Munro, Governor of Madras : Selection from his minutes and other official writings*, Madras, 1886.
- 5 Blair, H.M., *Reports on the Jamabandi of Kanara for Fasli 1252*, Collectorate Press Mangalore, 1900
- 6 Blane T.L., *Reports on the Jamabandi of Kanara for 1848*, Collectorate Press Mangalore ,1897.
- 7 Blane, T.L., *Reports on the Jamabandi of Kanara for Fasli 1256*, Collectorate Press Mangalore, 1906.
- 8 Burnel A.C., *The Devil Worship of Tuluva*, Published by R.C. Temple in *Indian Antiquary*. Vol. XXIII, XXIV, XXV, XXVI (1894-1923).
- 9 Clarke, Richard., *The Regulations of the Government of Fort Saint George, In Force at the end of 1847; to which are added the Acts of the Government of India in force in that Presidency*, London, 1848.
- 10 Cotton, C.R., "Report on the Insurrection in Canara and Coorg, 1837".
- 11 Cubbon, Mark., "Observations on Cotton's Report on the "Insurrection in Canara and Coorg", 1839.
- 12 *Letter related to Early Administration of Canara, being the appendix to letter no. 1846, dated 3rd May 1865 from the Collector of Canara to the Revenue Commissioner*, S.D. Education Societies Press, Byculla, Bombay, 1866.
- 13 *Letters of Thomas Munro – Relating to the Early Administration of Canara*, Collectorate Press, Mangalore, 1879.
- 14 Lewin, M, *Report on the Insurrection raised by Puttabasapah and others in the South Kanara District 1837*, Mangalore, 1911.

- 15 Manner A, *Paddanolu*, Basel Mission Press, Mangalore, 1886.
- 16 *Orders of the Madras Police (corrected up to 20th Feb, 1897)*. Madras.
- 17 *Papers connected with the Reorganization of the Police in the Madras Presidency*, Madras, 1859.
- 18 *Proceedings of the Madras Board of Revenue (PMBR)*
- 19 *Proceedings of the Madras Judicial Department (PMJD)*
- 20 *Proceedings of the Madras Political Department (PMPD)*
- 21 *Proceedings of the Madras Revenue Department (PMRD)*
- 22 *Report of Mr. Blair, H.M., Collector, on the settlement of the land Revenue of South Kanara for Fasli, 1254*, Collectorate Press Mangalore 1891
- 23 *Report of the Commissioners for the Investigation of Alleged cases of Torture, in the Madras Presidency, in 2 volumes*, Madras, 1855.
- 24 *Report of the Select Committee, 16 August 1832, 'Minutes of Evidence, Judicial.*
- 25 *Reports of the German Evangelical Mission in South Western India*, Mangalore.
- 26 *Select papers from the Records at the East India House, relating to the Revenue, Police and Civil and Criminal Justice under the Company's Government in India, in 2 volumes*, London, 1820.
- 27 *Selection from the Records of the Collector of South Kanara, Report of Mr. F.N. Maltby for Fasli 1263*, Mangalore, 1854.
- 28 *Selections from the Records of Fort Saint George : Papers Regarding the Village Panchayat and other Judicial systems of Administration 1812-16*, Madras, 1916.
- 29 *South Kanara Gazetteer – Letters of Sir Thomas Munro relating to the Early administration of Kanara 1799-1808*, Mangalore, 1879.
- 30 *SouthCanaraGazettes.*, July,1862, supplementary issue ,(bound volume); September-December 1862 (bound volume) ;Jan-June 1899(bound volume) March-June 1862;Jan-June 1862;Sept-Dec 1873;June-Sept 1888; Jan-Marach 1865; Dcember 1876.,Regional Archies, Mysore.
- 31 *Standing orders of the Board of Revenue (Land Revenue Settlement and Miscellaneous) Vol-I.*
- 32 Stokes,John., “Canara” (summary of the enquiry made into the Collector's Establishment), 17-1-1833 in the PMJD, 18-4-1833.
- 33 Stokes,John., *Report on the Revision of Assessment and on the Disturbances known as Koots in Kanara, 1830-31*, Mangalore, 1885.

- 34 Walhouse M.J., “*On Behalf of the Bhutas – Devil and Ghost worship in Western India in Journal of Great Britain and Irland, Vol. V, Dec. 14, 1875, London.*

B. Gazetteers and Manuals

- 1 Abhishanker, K., (ed), *Karnataka State Gazetteer, South Kanara District, Govt. of Karnataka, Bangalore, 1973.*
- 2 Baliga, B.S.. (ed), *Madras District Gazetteers, Coimbtore, Madras, 1966.*
- 3 *Census of India; Madras Imperial Series, Vol-XV, 1911.*
- 4 *Gazetteer of Bombay Presidency, Vol. No. XV, 2 Vols, 1883.*
- 5 Hamilton, Walter., *The East India Gazatteer, Madras, 1828.*
- 6 Hunter, W.W., *Imperial Gazetteer of India, London 1886.*
- 7 *Imperial Gazetteer of India, Provincial Series, Bombay Presidency, Vol-II, Govt. of Calcutta, Calcutta, 1909.*
- 8 Kamath, S.U. (ed), *Uttara Kannada District Gazetteer, Govt. of Karnataka, Bombay, 1985.*
- 9 Kamath, S.U., (ed), *Karnataka State Gazetteer, (in 2 parts), Govt. of Karnataka, Bangalore, 1983.*
- 10 Logan, William., (ed), *Malbar, in 2 vols, Charitram Publications, Trivandrum, 1981.*
- 11 Maclean, C.D., (ed), *Manual of the Administration of the Madras Presidency, (in 3 Vols), Govt. Press, Madras, 1885, reprint; Asian Educational Services, New Delhi, 1987.*
- 12 Padmanabha, P., “*Special Study Report on Bhuta Cult in South Kanara District*” *Census of India, Mysore Series, 14, 1975,*
- 13 Rao, C. Hayavadana (ed)., *Mysore Gazetteer, (5 Vols.), B.R. Publishing Corporation, Delhi, 1984.*
- 14 Richter, G., *The Gazetteer of Coorg, Delhi, 1984.*
- 15 Stuart, H.A., (ed), *Madras District Manuals; South Kanara, Vol. II, Government Press, Madras, 1895, reprint, Karnataka State Gazetteer, Bangalore, 2003.*
- 16 Sturrock, John., (ed), *Madras District Manuals; South Kanara, Vol-I, Government Press, Madras, 1894, reprint, Karnataks State Gazetteer, Bangalore, 2003.*

C. Inscriptions

- 1 *Annual Report of South Indian Epigraphy.*
- 2 *Epigraphica Carnatica* (Old and New Series).
- 3 *Indian Antiquary Volumes.*
- 4 *Karnataka Inscriptions Volumes.*
- 5 Sewel,Robert,and Ayyangar,S.K., *Historical Inscriptions of Southern India*, Madras, 1932.
- 6 Sircar,D.C, *Select Inscriptions Bearing on Indian History and Civilization.* Calcutta, 1957.
- 7 Sircar,D.C., *Indian Epigraphical Glossary*, Delhi, 1965.
- 8 Sircar. D.C (ed)., *Indian Epigraphy*, Delhi, 1965.
- 9 *South Indian Inscriptions*, Vol, IX, Part-I.
- 10 *South Indian Inscriptions*, Vol, VII.
- 11 *South Indian Inscriptions*, Vol, IX, Part II.
- 12 *South Indian Inscriptions*, Vol, XXVII.

II Secondary Sources

A. Ph.D, M.Phil and M.A. Theses

- 1 Bhat,N.Shyam., *South Kanara 1799-1862 : A Study in Colonial Administration and Regional Response*, Ph.D.Thesis, MangaloreUniversity,Mangalagangotri,1987.
- 2 Devi,B.Shalini., *The History of Crime and Punishment in the Presidency of Madras, in the 19th Century*. Ph.D. thesis, Madras University, Madras, 1966.
- 3 Devi,H.S.Usha., *Agrarian System during the Hoysala Period*, Ph.D Thesis, Mysore University, Manasagangotri,1990.
- 4 Fernandes,Denis., *The Tulu World in European Writings*, Ph.D. Thesis, Mangalore University, Mangalagangotri,2006.
- 5 Himakara, A.K., *The History of Agricultural Production in South Kanara during the Eighteenth Century*, M.Phil, Dissertation, J.N.U, New Delhi, 1987.
- 6 Jayaraj,N., *Society and Justice in Pre-Colonial South Canara*, Ph.D. Thesis, Mangalore University,Mangalagangotri, 2012.
- 7 Kamath,S.U., *Tuluva in Vijayanagar Times 1336-1646*, Ph.D. Thesis, Bombay University, Bombay,1965.

- 8 Karnunakar, H.R., *Socio-Economic Conditions in South Kanara 1860-1956*, Ph.D. Thesis, Mysore University, Manasagangothri, Mysore, 1985.
- 9 Madhava, K.G. Vasantha., *Political History of Kanara 1565-1763 (A Study mainly based on Inscriptions)* Ph.D Thesis, Karnataka University, Dharwad, 1970.
- 11 Masarenhas, X. William., *Haider Ali and Tipu Sultan in Canara*, M.A. Dessertation, IHRI, St. Xavier's College, Bombay, 1931.
- 12 Moorthy, K. Malathi., *Trade and Commerce in Colonial South Kanara 1799-1862*, Ph.D. Thesis, Mangalore University, Mangalagangothri, 1991.
- 13 Moorthy, P.N. Narasimha., *Jainism in Canara Coast*, Ph.D Thesis, Mysore University, Manasagangothri, 1983.
- 14 Prabhakar, Peter Wilson, *The Basel Mission in South Kanara 1834-1947*, Ph.D. Thesis, Mangalore University, Mangalagangothri, 1989.
- 15 Rai, K. Mohankrishna., *Urbanization in Mangalore' A Colonial Experience*, Ph.D Thesis, Mangalore University, Mangalagangothri, 2003.
- 16 Shenoy, U. Umanath U., *Region and Religion – Dharmasthala A Study*, Ph.D Thesis, Mysore University, Manasagangothri, 2004.
- 17 Shetty S.D., *Tulunadina Jaina Dharma, Ondu Samshkrithika Adhyayana*, Kannada University, Hampi, 2002.
- 18 Shetty, B. Jagadeesh Shetty., *The Agro-Economic Relations and Social Structure in Dakshina Kannada, 1000-1600 A.D.*, Ph.D Thesis, Mangalore University, Mangalagangothri, 1992.
- 19 Shetty, B. Vasantha., *Barakuru – A Metropolitan City of Antiquity – Its History and Culture*, Ph.D. Thesis, Mysore University, Manasagangothri, Mysore, 1986.
- 20 Swamy, N. Retna., *Judicial Organization in Madras Presidency 1862-1884*, M.Phil Dissertation, Kamaraj University, Madhurai, 1989.
- 21 Varma, T. Shaila., *Tulunadina Shasanagala Samashkrithika Adhyayana*, Mangalore, 2002.

B. Books in English

- 1 Altekar, A.S., *State and Government in Ancient India*, Motilal Banarasidas Publications, Delhi, 1949, 2002.
- 2 Arnold, David., *Police Power and Colonial Rule, Madras 1859-1947*, OUP, Delhi, 1986.

- 3 Arunima,G., *There Comes Papa; Colonialism and the Transformation of Mattiliny in Kerala, Malabar, 1850-1940*, Orient Blackswan, New Delhi, 2003.
- 4 Ballard ,S.J., *Tales about India*, Basel Mission Press, Mangalore,1875.
- 5 Beaglehole, T.H., *Thomas Munro and the Development of Administrative Policy in Madras Presidency, 1792-1818*, Cambridge University Press,New Delhi, 1966.
- 6 Besant,Annie., *India and the Empire*, Kissenger Publications,London, 1914; reprint 2010.
- 7 Bhat, M. V, Shanker., *Aliya Santana Law*, Mangalore, 2004.
- 8 Bhat, N.Shyam., *Judiciary and Police in Early Colonial South Kanara*, Mittal Publicationas, Delhi, 2001.
- 9 Bhat,M.Mariappa, Shanker Kedilaya., *Tulu-English Dictionary*, Madras University,Madras, 1967.
- 10 Bhat,P.Gururaj., *Antiquities of South Canara*, Milagres College, Kallianpur Udupi, 1969.
- 11 Bhat,P.Gururaj., *Studies in Tuluva History and Culture*, Milagres College, Kallianpur,Udupi, 1975; reprint, Dr.Gururaj Bhat Memorial Trust, Udupi,2014
- 12 Bloch,March., *Feudal Society; Social Classes and Public Organisation*, 2 Vols, University of Chicago,Chicago, 1961, 1985.
- 13 Buchanan, Francis.,*A Journey from Madras through the Countries of Mysore, Canara and Malabar*, Vol.I,II,III,New Delhi,1807; Higgin Bothams Company, Madras, 1988..
- 14 Chaudhuri. S.B., *History of the Gazetteers of India*, New Delhi, 1981.
- 15 Chinnappa Gowda. K., *The Mask and the Message*, Madipu Prakashana, Mangala Gangotri, 2005.
- 16 Chitnis, K.N., *Keladi Polity*, Karnataka University, Dharwad, 1974.
- 17 Claus, J.Peter.,*Folkloristics and Indian Folklore*, RRC,Udupi, 1989
- 18 Cohn,S.Bernard., *An Anthropologist among the Historians and other Essays*, OUP, New Delhi,1987, 1996.
- 19 Cohn,S.Bernard.,*Colonialism and Its Forms of Knowledge*, OUP,New Delhi,1996.
- 20 D'Souza,Lawrance.,*Koragas, A Primitive Tribe of South India*, Unesco-co-action Learning Centre,Mangalore, 1965.
- 21 Damle, C.B., *Land Reforms and Changing Agrarian Relations*, New Delhi, 1983.
- 22 Desai,Dinakar., *Mahamandeshwaras under the Chalukyas of Kalyani*, Bombay University, 1951.

- 23 Dikshit. G.S., *Local Self – Government in Medieval Karnataka*, Karnataka University, Dharwad, 1964.
- 24 Dirks, B. Nicholas., *Castes of Mind : Colonialism and the making of Modern India*, Permanent Blackswan Publications, Delhi, 2003.
- 25 Dorson, M. Richard., *Folklore and Folk life, An Introduction*, Chicago University Press, Chicago, 1972.
- 26 Dubios, Abbe., *Description of the Character, Manners, and Customs of the people of India and of their institutions, Religious and Civil*. London, 1817.
- 27 Dundes, Alen., *Analytic Essays in Folklore*, Moutan Publishers, The Hague, 1925.
- 28 Edney, H. Mathew., *Mapping an Empire; The Geographical Construction of British India, 1765-1843*, Chicago University Press, New Delhi, 1999.
- 29 Gleig, G. R., *Life of Sir Thomas Munro*, 3 Vols., London 1801.
- 30 Hasan, Mohibbul., *History of Tippu Sultan*, The World Press Pvt., Ltd, Calcutta, 1951, 2nd edition, 1971.
- 31 Heggade, Krishnananda., *History of Bunts, Medieval Age to Modern Times*, Akruiti Printers, Mangalore, 2008.
- 32 Honko, Lauri, Gowda, Chinnappa, Aneli Hanco, Vivek Rai (eds)., *The Siri epic as Performed and Sung by Gopala Naika*, 2 vols. Folklore Fellows Communications, Turku, Finland, 1998.
- 33 Indane, Ronald., *Imagining India*, Hurst and Company, London, 1990.
- 34 Iyengar, S. Sunderraja., *Land Tenures in Madras Presidency*, Madras, 1916.
- 35 Jayaswal. K. P., *Hindu Polity : A constitutional History of India in Hindu Times*, Calcutta, 1924.
- 36 Jha, D. N., *Feudal order; State Society and Ideology in Early Medieval India*, Manohar Publications, New Delhi, 2000.
- 37 Kane P. V., *History of Dharmashastra*, Vol. III.
- 38 Karashima, Noboro., *Towards a New Formation. South Indian Society under Vijayanagar Rule*, OUP, New Delhi, 1992.
- 39 Kolsky, Elizabeth., *Colonial Justice in 'British India', White Violence and the Rule of Law*, OUP, New Delhi, 2010.
- 40 Kosambi, D. D., *An Introduction to the study of Indian History*, Popular Book Depot, Bombay, 1956.
- 41 Kosambi. D. D., *An Introduction to the Study of Indian History*, Popular Book Depot, Bombay, 1956.

- 42 Kulke,Hermann., (ed), *The State in India 1000-1700*, OUP, New Delhi,1995.
- 43 Kumar, Ravinder., *Essays in the Social History of Modern India*, OUP, New Delhi, 1983.
- 44 Kumar,Dharma., *Land and Caste in South India;Agricultural Labour in the Madras Presidency during the Nineteenth century*,CUP, Delhi, 1965.reprint,2013.
- 45 Kurup. K.K.N., *The Cult of Teyyam and Hero Worship in Kerala*, Indian Publications, Calcutta, 1973.
- 46 Madhava,K.G.Vasanth., *Western Karnataka; Its Agrarian Relations 1500-1800*, Navarang Publications, New Delhi, 1991.
- 47 Mahadevan,Airavathan., *Ealry Tamil Epigraphy; From the Earliest Times to the Sixth century C.E*, Harward University Press, Madras, 2003.
- 48 Mahalingam, T.V., *Administration and Social life under Vijayanagar* (2 Vols), Part I, *Administration*, Madras University, 1969; Part II, *Social life*, Madras University, 1975.
- 49 Manner.A., *Tulu-English Dictionary*, BaselMission Press, Mangalore,1886. Reprint, Asian Educational Services, NewDelhi,1983.
- 50 Metcalf, R.Thomas., *Ideologies of The Raj*, OUP,New Delhi, 1995.
- 51 Miley,Samuel., *Canara; Past and Present*, Anderson and Brothers, Madras, 1875.
- 52 Mishra,B.B., *The Administrative History of India, 1834-1947,General Administration*, OUP, Bombay, 1979.
- 53 Mishra.B.B., *The Indian Middle classes; Their Growth in Modern Times*, OUP London, 1961.
- 54 Montgomery,Robert Martin (ed)., *The Dispatches, Minutes and Correspondence of the Marques Wellesley during his Administration in India* (5 Vols), New Delhi, 1984.
- 55 Moore, J., *The History of Diocese of Mangalore*, Basel Mission Print House, Mangalore, 1905
- 56 Moraes,M.George., *Mangalore; A Historical Sketch*, Basel Mission Print House, Mangalore, 1927.
- 57 Nair ,V.Shankeran., *How Students Wrought for Freedom (A Collection of Documents)* New Delhi, 1994.
- 58 Navada ,A.V., and Denis Fernandes (ed), *The Devil Worship of Tuluvas : From the Papers of Late A.C. Burnell*, KTC,Mangalore, 2008.

- 59 Raju, Sarada., *Economic Condition in the Madras Presidency, 1800-1850*, Madras University, Madras, 1941
- 60 Ramesh, K.V., *A History of South Canara*, Karnataka University, Dharwad, 1970.
- 61 Rao, B. Surendra., *Bunts in History and Culture*, Udupi, 2010.
- 62 Rao, B. Surendra, Chinnappa Gowda, K., eds., *The Retrieved Acre - Nature and Culture in World of Tuluva*, Prasara, Mangalore University, Mangalagangothri, 2003.
- 63 Rao, Krishna Gangolli., *A Treatise on Aliyasantana law and Usage*, Codialbail Press, Mangalore, 1898
- 64 Rao, Shama., *Modern Mysore (Form the beginning to 1868AD)*, Bangalore, 1936.
- 65 Roberts, P.E., *History of British India*, OUP, Delhi, 1980.
- 66 Saletore, B.A., *Medieval Jainism; With Special Reference to Vijayanagar*, Deccan College, Poona, 1938.
- 67 Saletore B.A., *Social and Political Life in the Vijayanagar Empire*, Vol. I Madras, 1934.
- 68 Saletore, B.A., *Ancient Karnataka, Vol-I, History of Tuluva*, Oriental Book Agency, Poona, 1936.
- 69 Saletore, B.A., *Social and Political Life of Vijayanagara*, Vol. II, Madras, 1938.
- 70 Sastri, K.N.V., *The Munro System of British Statesmanship in India*, University of Mysore, Mysore, 1939.
- 71 Sastri, B.S., *The Portuguese in Kanara (1498-1761)* Bombay University, Bombay, 1969.
- 72 Sen, Amartya., *The Idea of Justice*, Allen Lane & Harvard University Press, Massachusetts, 2009.
- 73 Sharma, R.S., *Indian Feudalism*, Calcutta, 1956; reprint, Macmillan Publishers, New Delhi, revised edition, 2005.
- 74 Sharma, R.S., *Sudras in Ancient India*, Motilal Banarsidass, Delhi, 1980.
- 75 Shastry, B.S., *Studies in Indo-Portuguese Relations*, Bangalore, 1981.
- 76 Shastry, B.S., *Goa-Kanara Portuguese Relations, 1498-1763*, New Delhi, 2000.
- 77 Simhan, R.D.N., *The Civic Survey of Mangalore Municipality 1929; A Study of Local and Civic Conditions in Mangalore Town*, Mangalore 1930.
- 78 Sinha, N.K., *Haider Ali*, A. Mukhrjee & Compny Pvt., Ltd, Calcutta, 1969.

- 79 Stien, Burton., *Histoty of India*, OUP, New Delhi,1985
- 80 Stien, Burton., *Peasant State and Society in Medieval South India*, OUP, Delhi 1980.
- 81 Stien, Burton., *Thomas Munro; The Origins of the Colonial State and His Vision of Empire*, OUP,Delhi, 1989.
- 82 Stien, Burton., *Vijyanagara, The New Cambridge History on India*, CUP, 1989.
- 83 Stokes, Eric., *The English Utilitarian's and India*, OUP, London, 1959.
- 84 Thapar, Romila., *A History of India*, Vol-I, Penguin Books,New Delhi,1966.
- 85 Thapar, Romila., *Cultural Pasts, Essays on Early Indian History*, OUP,New Delhi, 2008.
- 86 Thapar, Romila., *Early India*, Penguin Books , New Delhi,2002.
- 87 Thapar, Romila., *From Lineage to State. Social Formation in the Mid-first Millennium BC in the Ganga Valley*, OUP,Bombay, 1984.
- 88 Thurston, Edger., *Castes and Tribes in Southern India*, Vol. I, II, III, Madras, 1909.; Cosmo Publications,New Delhi,1975.
- 89 Upadhyaya U.P., *Coastal Karnataka*, Govinda Pai Reasearch Centre, Udupi, 1996.
- 90 Upadhyaya. U.P., *Folk Epics of Tulunadu*, Govinda Pai Reasearch Centre, Udupi, 1986.
- 91 Valuthat, Keshavan ., *The Early Medival in South India*, OUP, New Delhi, 2009.
- 92 Vasantha Madhava, K.G., *Religions in Coastal Karnataka; 1763*, Inter-India Publications,New Delhi, 1985.
- 93 Vasudevan C., *The Koragas – The Forgotten Lot, The Primitive Tribe of Tulunadu*, Trichur, 1998.
- 94 Vishwanathan Gowr., *Masks of Conquests “ Literary Study and British Rule in India*, ,OUP,New Delhi, 1989,2004.
- 95 Vishwanathan,Gowri., *Outside the Fold : Conversion, Modernity and Belief*, OUP,New Delhi, 1998, 2001.
- 96 MaNaughton W.H., *Principles and Procedures of Hindu Law*, Vol.II, Calcutta, 1828.
- 97 Wilson H.H., *A Glossary of Judicial and Revenue Terms*, 1855, *Revised and Edited by A.C.Ganguli and N.D.Basu*, Calcutta, 1940. reprint,Munshiram Manoharlal,New Delhi, 1968.

C. Books in Kannada

- 1 Achar, P. Ramakrishna., *Aati*, Janapada Koodukattu, Sullia, 2002.
- 2 Achar, P. Ramakrishna., *Janapada Minadana*, Supriya Prakashana, Puttur, 1997.
- 3 Achar, P. Ramakrishna., *Kalkuda-Kallurti (Samskrithi Shodha)*, Supriya Prakashana, Puttur, 1998.
- 4 Achar, P. Ramakrishna., *Tulunadu-Nudi*, Supriya Prakashana, Puttur, 1998.
- 5 Aithala, Shivarama., *Dakhina Kannadada Janapada Sahitya*, Sharada Press, Mangalore, 1971.
- 6 Ammembala, Prajna., *Sri Kshetra Dharmasthala : Bahu Mukhi Adyayana*. Mangalore University, 2006.
- 7 Betageri, Prahlad., *Adavi Chenchara Samskrithi*, Karnataka Sahithya Academy, Bangalore, 1993.
- 8 Bhat ,Vadiraja., *Paddanagalu*, Yuga Purusha Prakatanalaya, Kinnigoli, 1974.
- 9 Bhat, D.N.S .Shanker., *The Koraga Language*, Deccan College, Poona, 1971.
- 10 Bhat, H.Krishna., Muralidhara Upadhy., (ed), *Govinda Pai Samashodhana Samputa*, Govinda Pai Reasearch Centre, Udupi, 1995.
- 11 Bhat, H.Krishna., Shetty, S.D, (ed) , *Tulu Karnatakada Arasu Manethanagalu*, Prasaranga, Kannada University, Hampi, 2000.
- 12 Bhat, P .Gururaja., *Tulunadu*, Bhavyavani, Padupete, Udupi, 2009.
- 13 Bhatta, Keshava., *Hadina Chudamani*, Chira Sahithya Prakashana, Banglore, 1971.
- 14 Bilimale, Purushothama., *Bahuroopa*, Yaji Prakashana, Hosapete, 2013.
- 15 Bilimale, Purushothama., *Koragara Samskrithi*, Karnataka Sahithya Academy, Bangalore, 1993.
- 16 Boralingiah H.C., *Buda Kattu Daivaradhane*, Prasaranga, Kannada University, Hampi, 2000.
- 17 Chandrashekharan.S., *Karkalada Gomateshwara Charithre*, Oriental Library, Madras, 1953.reprint, edited by S D Shetty, Sri Manjunatheshwara Publications, Ujire, 2007
- 18 Chinnappa Gowda.K., *Bhatharadhane; Janapadeeya Adhyayana*, Madipu Prakashana, Mangala Gangotri, 1990.
- 19 Dallodi, Dejappa., *Billava, Samskrithika Sampada*, Akruthi Ashaya Prakashana, Mangalore, 2012.

- 20 Gowda, H.J .Lakkappa., (ed), *Karnatkada Buda Kattugalu*, Vol.I, Karnataka Janapada and Yakshagana Acedamy, Bangalore, 1998.
- 21 Gowda, K .Chinnappa .,(ed), *Serige*, Madipu Prakashana, Mangala Gangothri, 2000.
- 22 Gowda, K .Chinnappa (ed)., *Gowda Jananga : Ithihasa Mathu Samskrithi*, Silver Jubilee Celebration Committee,Okkaligara Sangha, Mangalore, 2003.
- 23 Gowda, K .Chinnappa., *Jalata*, Chinthana Vedike, SDM College,Ujire, Ujire, 1985.
- 24 Gowda, K .Chinnappa., *Paniyaara*, A Commomorative Volume in Tulu, Tulu Kuta, Mangalore, 1989.
- 25 Gowda, K .Chinnappa., *Samskrithi – Siri*, Madipu Prakashana,Mangala Gangothri, 2003.
- 26 Gowda, K .Chinnappa., (ed), *Bhuthradhane, Kelavu Adhyayanagalu*, Mangalore, 1982.
- 27 Gowda, Kushalappa, Gowda,K.Chinnappa.,(Ed), *Dakshina Kannada Jilleya Kaifiyattugalu*,Sri Dharmasthala Prakashana Mle, Ujire, 1983.
- 28 Harish, P.N.,*Eravara Samskrithi*, Karnataka Sahithya Acedamy,Bangalore 1993.
- 29 Hegde, Sachidananda., *Tulunadavara Samaja*, Kausthubha Prakashana, Bangalore 2010.
- 30 Hegde, Sheenappa, N.S. Kille., *Pracheena Tulunadu*, Hema, Mangalore, 1954.
- 31 Hegde, Sheenappa., *Dakshina Kannada Jilleya Charithre Mattu Bhutala PandyarayanaAliyakattu*, Mangalore,1919,reprint,Udupi, 1981.
- 32 Hegde, Rajarama., *Vasahatu Poorva Karnatakada Rajya Paddathi*, Prasaranga, Kannada University, Hampi, 2008.
- 33 Heggade, Indira.,*Tuluvara Mula Thana; Adi Alade : Paramapare Mathu Parivarthana*, Navakarnataka Prakashana, Bangalore, 2012.
- 34 Heggade, Indira., *Tulunadina Gramadalitha Mathu Ajalugalu*, Kannada Sahithya Parishath, Bangalore, 2004.
- 35 Heggade, Indira., *Okkelakulu / Bantaru : Samskritika Adyayana*, Kannada Pusthaka Pradikara,Bangalore,1999.
- 36 Hiriyanna, Ambalike., *Saidanthika Janapada*, Karnataka Janapada Mattu Yakshagana Acedamy,Bangalore 2001.

- 37 Indwadi ,Venkatesha., *Siri Janapada Kavya – Samskrithika Mukhamukhi*, Prasaranga, Kannada University,Hampi, 2010.
- 38 J Claus Peter.,(*Translation*) by A.V. Navada & Subhaschandra, *Tuluva Darshana*, Pradeshika Vyasanga, Kundapura, 1987.
- 39 Kalmadi, Damodara.,*Koti-Chennaya Paddana Samputa*, Karnataka Pusthaka Pradikara, Bangalore, 2002.
- 40 Kamalaksha, P., *Dakhina Kannada Jilleya Harijana Mathu Girijanara Samajika Ithihasa*, Karnataka Pusthaka Pradikara, Bangalore, 1994.
- 41 Kamath, Suryanath., *Tulunadina Dharmika Parampare*, Sri Dharmasthala Prakashana Male, Ujire, 1975.
- 42 Kenaje. Sundara., *Bathoda Loka*, Abhinava, Mysore, 2009.
- 43 Khadaba, P.K., *Sudugadu Siddhara Samskrithi*, Karnataka Sahithya Academy, Bangalore, 1993.
- 44 Kuduva,Keshavakrishna., *Dakshina Kannadada Ithihasa – Tuluva Charitre*, KeshavaKrishna Kuduva, Karkala, 1948.
- 45 Kumar, S.R,Arun.,, *Nudihara-5*, Yugapurusha Prakatanalaya, Kinnigoli, 2014.
- 46 Kumar, Marike Naveen., *Tulunadinalli Korga Tania*, Sri Mahashakthi Sangha, Aryapu, Puttur, 2000.
- 47 Kumar, T.Vasantha., *Karnatakadalli Boudha Samskrithi*, Kannada Pusthaka Pradikara, Bangalore, 1988.
- 48 Lingiah, D,Sandhya,K.R, *Janapada : Swarasya Mathu Sahitya*, Kannada Sahithya Parishat, Bangalore 2006.
- 49 Manasa., *Koravara Samskrithi*, Karnataka Sahitya Academy, Bangalore, 1993.
- 50 Moily, Veerappa.,*Tembare*, Ankitha Prakashana, Bangalore, 1999.
- 51 Murthy, Chidananda., *Kannada Shasanagala Samskrithika Adhyayana*, Mysore University, 1979.
- 52 Naik, K .Sundara., *Marathi Jananga : Paramapare Mattu Adhunikathe*, Deepapriya Prakashana, Bangalore, 2008.
- 53 Nanadavara,Vamana., *Janapada Sutta Mutta*, Drishya Prakashana,Katipalla, 1990. Reprint, Prajabandhu Prakashana, Mangalore,1992.
- 54 Nanadavara,Vamana., *Koti-Chennaya Janapadiya Adyayana*, Hemanshu Prakashana, Mangalore, 2001.

- 55 Narayana, T.N,Shankara., *Kadu Gollara Sampradayagalu Mattu Nambikegalu*,Mysore University,Mysore, 1982
- 56 Navada, A.V., *Gidigere Ramakka Muggerthi Kattida Siri Paddana*, Prasaranga, Kannada University, Hampi, 1999.
- 57 Navada ,Gayathri., *Karavali Janapada Sahithyadalli Strivadi Nelegalu*, Govinad Pai Reasearch centre, Udupi, 1999.
- 58 Navada, Gayatri., *Virachane*, NRAMH, Koteshwara, 1997.
- 59 Navada, A.V., *Tulu Poli*, Shodhana Prakashana, Mangalore, 2013.
- 60 Navada, A.V., *Vivakshe*, Karnataka Sangha, Puttur, 1984.
- 61 Nayak, H.M, *Janpada Swaroopa*, T.V.Memorial Book Series, Mysore, 1971.
- 62 Pai, M.Govinda., *Tenkanadu*. Udupi, 1947.
- 63 Prabhu, Mukunda (ed)., *Poli, Kanara 200.*, D.C. Office, Mangalore, 2000.
- 64 Rai, B.A .Viveka (ed)., *Tulu Sahitya Charithre*, Hampi, Prasaranga, Kannada University, Hampi, 2007.
- 65 Rai, B.A .Viveka ., *Tulu Janapada Sahitya*, Kannada Sahithya Parishath, Bangalore 1985.
- 66 Rai, B.A .Viveka *Aanvayika Janapada*, Mangalore University, Mangalagangotri, , 1985.
- 67 Rai, B.A .Viveka,Yadupathi Gowda, , Rajshree.,*Puttu Balakeya Paddangalu*,SDM Tulu Chair,Mangalore University, 2004.
- 68 Rai, B.A .Viveka., *Tuluva Adhyayana, Kelavu Vicharagalu*, Tuluva Prakashana, Mangalore, 1980
- 69 Rai, K.Mohanakrishna., *Kanarada Vibhajane : Hathi Rajakiyada Vishleshane*, Prasaranga, Kannada University, Hampi, 2010.
- 70 Rai, K.Mohanakrishna., *Prabhutwa Mattu Janathe*, Prasaranga, Kannada University, Hampi, 2004.
- 71 Rai, K.Mohanakrishna., *Tulu Samskrithi Chaturmukhi Adyayana*, Prasaranga, Kannada University, Hampi, 1999.
- 72 Rai, K.Mohanakrishna., *Tulunadu Kannada Nudi – Tulu Karnatakada Nadu – Nudi Chintane*, Prasaranga, Kannada University,Hampi, 2012.
- 73 Rai, K.Mohanakrishna., *Tulunadu Siri – Baduku Horatada Kathana*, Prasaranga, Kannada University, Hampi, 2010.

- 74 Rai,Subbanna., *Dakshina Kannada Jilleya Ithihyagalu*, Junior Chamber, Mani, 1994.
- 75 Rajashree., *Ihaparada Hadi*,Akruthi Ashaya Prakashana, , Mangalore, 2013.
- 76 Rajashree., *Tulu Janapada Kavya – The Iha Para Loka Dristi*, SDM Tulu Chair Mangalore, 2008.
- 77 Ramesh,K.V, Sharma,M.J(ed)., *Tulu Nadina Shasanagalu*, Govinda Pai Reasearch Centre, Udupi, 1978.
- 78 Rao, Aigal,M. Ganapathy., *Dakshina KannadaJilleya Pracheena Ithihasa*, Mangalore, 1923.,reprint,Govinda Pai Reasearch Centre,Udupi,2004.
- 79 Rao,S.K .Ramachandra., *Bharathiya Devalayagala Janapada Mula*, IBH Publications, Bangalore 1981.
- 80 Settar, S.,*Shangam Tamilagam Mattu Kannada Nadu Nudi Chinthane*, Abhinava Prakashana, Mysore, 2007.
- 81 Shetty,S.D., *Tulunadina Jaina Dharma; Ondu Samskrithika Adhyayana*, Govinda Pai Reasearch Centre, Udupi, 2002.
- 82 Shetty. Balakrishna,A., (ed)., *Sheenappa Heggade Samagra Sahitya*, Polali Sheenappa Hegde Birth Centenary Committee, Vidyanagar, Manipal, 1991.
- 83 Siddalingiah, B., *Illigara Samskrithi*, Karnataka Sahithya Academy ,Bangalore 1993.
- 84 Someshwara,Amritha., *Avilu*, Vivekananda College, Puttur, 1978.
- 85 Someshwara,Amritha., *Koragaru*,IBH Publications,Bangalore, 1982.
- 86 Someshwara,Amritha., *Tulu Baduku*, *Prakruthi Prakashana*, Kotekar, 1984.
- 87 Someshwara,Amritha., *Tulu Paddana Samputa*, Prasaranga, Kannada University, Hampi, 1997.
- 88 Someshwara,Amritha., *Tulu Paddanada Kathegalu*, Sathyanjali Grantha Male, Kotekaru, 1962.
- 89 Someshwara,Amritha., *Tuluva Janapada : Kelavu Notaglu*,Prasaranga, Kannada University,Hampi, 2007.
- 90 Sosale, Chinnaswami., (ed)., *Karavali Karnatakada Jaina Arasu Manethanagalue*, Prasaranga, Kannada University, Hampi, 2013.
- 91 Tarikere, Rahamath., *Prathi Samskirthi*, Ankitha Prakashana, Bangalore, 2013.
- 92 Tarikere,Rahamath., *Maradologana Kichchu*, Ankitha Prakashana, Bangalore 2012.

- 93 Telagavi, Laxmana (ed)., *Samashodhana*, Chidananda Murthy Felicitation Committee, Bangalore, 1991.
- 94 Veeranna Dande, , *Janapada Sastra Siddanthagalu*, Nelamane Prakashana, Srirangapatna, 1999.

D. Articles

- 1 Altar, Joseph., “Indian Clubs and Colonialism : Hindu Masculinity and Muscular Christianity”, in *Comparative Studies in Society and History*, Vol-46, No.3, Cambridge, 2004.
- 2 Alva, Ashok., “Karavaliya Bantaru Swaroopa Mathu Samskrithi, in *Nudihara*, Kannada Sangha, Kanthavara, 2014.
- 3 Arnold, David., “Bureaucratic Recruitment and Subordination in Colonial India, The Madras Constabulary”, in *Ranjith Guha (ed), Subaltern Studies*, Vol. IV, New Delhi, 1985.
- 4 Balachandran, Aparna., “Catholics in Protest; Lower Caste Christianity in Early Colonial Madras” *Studies*, 16,2, N.S. New Delhi, 200
- 5 Bhat, P. Ganapayya., “Pre History in Coastal Karnataka, *OJMS*, Vol. LXX, No. 1-2 Bangalore..
- 6 Bhat, P. Ganapayya., “Ithihasa Purva Dakshina Kannadada Hoasa Samashodhanegalu” in “*Nethravathi*” the Sovegneir of Dakshina Kannada Sahithya Sammelana., Uppinangadi, 1995.
- 7 Bhat, P. Vishnu., “Palanthulu”, *Tulu Sahithya Charithre*, Prasaranga, Kannada University, Hampi, 2007.
- 8 Burnell, A.C., “The Devil Worship of the Tuluvas”, *Indian Antiquary*, Vol. XXIII, 1894.
- 9 Caldwell, Robert., “Demonolatry in Southern India” *The Indian Evangelical Review*, Vol. XIV, Calcutta, 1888..
- 10 Chaudhuri, B.B, “History of Peasant Movements in British India : Some New Perspectives” in *The Indian Historical Review*, July 1983, Jan, 1984, Vol. X, Nos. 1-2.
- 11 Coelho, William., “The Formation of Anglo-Indian Law under the Company – A Historical outline” in *Indica*, Vol. 10, Bangalore, Sept. 1973, No. 2.

- 12 Cohn, S.Bernard., “Notes on the History of the Study of Indian Society and Culture”, in Milton Singer and Bernard Cohn (eds) “*Structure and Change in Indian Society*, Chicago, 1968.
- 13 Fathima, Kutty, Kapil., “Ryotwari System in Madras Presidency” in *The Quarterly Review of Historical Studies, Calcutta, 1989*, Vol-XXVIII, Jan-March 1989, No. 4.
- 14 George P.T., “The Evolution of Land Tenures in India” in *Arthavijnana*, March-June, Bangalore, 1970, Vol. 12, No. 1 & 2.
- 15 George,P.T.,, “Land system and Laws in Mysore State”, *Arthavijana*, March-June, 1970, Bangalore, Vol. 12, No. 1 & 2.
- 16 Gowda, Sabiha Bhoomi., “Siri Maha Kavya – Stri Sangharshada Nelegalu” in *Siri Janapada Kavya,Kannada University*, ampi, 2010.
- 17 Harper,B.Edward., “Hoylu: A Belief Relating Justice and Supernatural”*American Anthropologist*,Vol.5,No.59 Oct,1957.On line
Library.wily.com/do/10.1525/aa.1957.59.5.02a0005/pdf.
- 18 Jacques Pouchepadass.,“British Attitudes Towards Shifting Cultivation in Colonial South India : A Case Study of South Canara district 1800-1920”, in David Arnold and Ramachandra Guha (eds), *Nature, Culture and Imperialism : Essays on the Environmental History of South Asia*, OUP, New Delhi, 1998.
- 19 Jayaraj,N, “Janapada Aacharana Paddathiyalli Nyaya Thirmana”, in *Charithre Adhyayana*, July-Dec 2011,Kannada University, Hampi.
- 20 Karnataka Jesuit Centenary Souvenir, Bangalore 1978.
- 21 Kooiman,Dick., “Conversion and Social Equality in India : London Missionary Society”, in *South Travancore in the 19th Century*, New Delhi, 1989.
- 22 Krishnaiah, D.N.,“The South Kanara Insurrection”, in *The Society*, Vol-XXVIII, Bangalore, 1957-58.
- 23 Kumar, Abhaya., “Mugerara Aradhane”, in *Siri, Amrutha Someshwara’s Felicitation Volume*, Sahithyaajali Prakashana, Kotekar, 1995.
- 24 Kumar, Dharma., “The Forgotten Sector : Services in Madras Presidency in the First Half of the Nineteenth Century”,in *The India Economic and Social History Review*, 24, Oct-Dec-1987.
- 25 Kurup,K.K.N, “Kazhakam : A Traditional Institutionof Malabar” in *Ancient Science of Life* Vol. 2, No. III, Jan, 1983

- 26 Kurup,K.K.N, “Western Impact and Social Changes in Malabar of 18th and 19th Centuries”, in *Proceedings of the South Indian History Congress*, Tirupathi, March, 1984
- 27 Madhava, K.G .Vasanth., “Land Control and Caste Structure in Costal Karnataka”, *India*, Vol. 19 No.1 ,Bangalore,March, 1982
- 28 Madhava, K.G .Vasanth., “The Religious Institutions and Government in Karnataka 1500-1763, in *Quarterly Journal of the Mythic Society*, Vol. LXXV, No. 4,Bangalore.
- 29 Mangalore Magazine, 1897-1931
- 30 Natarajan, B., “Economic Doctrines of Sir Thomas Munro”, *Rev. Fr. Carty Commemoration* Vol. Madras, 1941.
- 31 Pai,M,Govinda., “Tulunadu Purvasmrithi”, *Tulu Sahithya Charitre*, Kannada University, Hampi, 2007.
- 32 Punichithaya,Venkataraja., “Tulu Lipiya Mula Mattu Vikasa”, *Tulu Sahithya Charithre*, Prasaranga,Kannada University, Hampi, 2007.
- 33 Rai,B.A.Viveka., “Pradeshika Samskrithiya Kalpaneyalli Tulunadu”, *Siri, Amrutha Someshwara Adhinandana Grantha*, Sahithyanjali Prakashana,Kotekar, 1995.
- 34 Rajendran P. “The Pre-History of Kerala”, *Journal of Kerala Studies*, Vol. No. IV Part IV.
- 35 Rao, B. Surendra., “The Modern in Modern Indian History” *Presidential Address, Section 3, Proceedings of 61st Session of Indian History Congress*, Calcutta, 2001.
- 36 Rao, B. Surendra.,“South Kanara in the 19th Century : Contradictions in Colonial discourse” in *Perspectives on Dakshina Kannada and Kodagu*, Mangalore University Decennial Volume, Mangalagangotri,1991.
- 37 S Bhat N.Shyam., “The Police System in South Kanara “ 1799-1862 in *Indica*, Vol. 34, No. Bangalore,2 Sept. 1997.
- 38 Sarkar, Sumith., “Post Modernism and Writing of History” *Studies in History*, 15, 2, N.S., New Delhi, 2002.
- 39 Sarkar, Tanika., “Missionaries, Converts and the State in Colonial India” *Studies in History*, 18, 1. Sage Publications, New Delhi, 2002.
- 40 Shetty, Gananatha., “Janapada Atagalu; Samskrithika Adhyayana, *Poli, D.C Office*,Mangalore, 1999.
- 41 Shetty,B.,Vasanth., “Iron Burials in Dakshina Kannada ”, *Times of India*.Bangalore, 5/5/1986.

- 42 Shetty,B.,Vasanth., “Tulu Bhashe Mattu Tulunadu” , *Tulu Sahithya Charithre*, Prasaranga, Kannada University, Hampi, 2007.
- 43 Shetty,B.,Vasanth., Dakshina Kannada Jillealli Nutana Shilayuga”, *Ithihasa Darshana*, Vol.2, Part-I, 1987.
- 44 Shetty,S.D.,“Gerusoppe Saluva Mallana Belliya Nanya”,*Manjuvani paper*, July, Ujire,1994.
- 45 Someshwara,Amrutha., “Bhutharadhaneyalli Nyayanga Vyavasthe”, in *Pattaya* Mangalore University, 2010.
- 46 Someshwara,Amrutha., “Judicial Aspects of Bhuta Cult” in U.P. Upadhyaya (ed) “*Coastal Karnataka*, Govinda Pai Research Centre, Udupi, 1996.
- 47 Someshwara,Amrutha., “Siri Kathanakadalli Sthriwadada Adarshavideye”? in *Siri Janapada Kavya*, Prasaranga, Kannada University, Hampi, 2007.
- 48 Someshwara,Amrutha.,“Paddanada Swaroopa”, *Tulu Sahithya Charithre*, Prasaranga, Kannada University, Hampi, 2003.
- 49 Stokes, Eric., “The First Century of British Colonial Rule in India; Social Revolution or Social Stagnation”, in *Past and Present*, No. 58, Feb, 1973.
- 50 Sundara.A., “Some Aspects of the Neolithic Sites in Malnad”, *OJMS*, LIX, Bangalore, 1969.
- 51 Sundara.A., “Megaliths in Western Coast and Ghat regions of Karnataka’, *Journal of Karnataka University*, Dharwad, Vol.X

Annexure



Kodiadi: It is a place where bhuta's paraphernalia is kept in the venue of Nema



Kutumba Bhuta accepting milk from the members of the family as a token of unity



Jarandaya Daiva of Thokuruguttu interrogating with Yajamana of Guttu



The Yajamana of Thokurguttu offering request to Jarandaya daiva



Bhuta offering blessings by touching the tip of the sword or kadsale



Marriage engagment in Koraga community under Mukhari' s leadership



Judicial procedure in the theatre of Bhutaradhane



Dharma nema in Maladiguttu, Mangalore taluk



Hasla man and woman



Pattada Mancha



Sural Palace



Nandalike Palace



Nandalike chavadi and Patta throne



The seat of tradational Guttu Yajamana



Another seat of Guttu Yajamana



Badilaguttu House



Pampada women singing paddana by beating Tembare



Singadana

Photo courtesy: RRC, Udupi, *Karnataka Budakattugalu* by J. Lakkappa Gowda, *Bunts in History & Culture* by Surendra Rao, *Dharmanema* by K. L. Kundathaya

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